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09/09/2019

Permit Application Number SAJ-2011-00551 (SP-TSH)

Formerly: SAJ-2011-00551 (IP-TEH)
Formerly: SAJ-1998-2682 (IP-MN); Ridge Road Extension (RRE)

Colonel Andrew D. Kelly
Commander, Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, FL 32207-8175

Shawn Zinszer,
Chief, Regulatory Division
Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Blvd.
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Jay Herrington,
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U. S. Fish & Wildlife Service
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7915 Baymeadows Way, Suite 200
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Heath Rauschenberger
Deputy Field Supervisor
U. S. Fish & Wildlife Service
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7915 Baymeadows Way, Suite 200
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Annie Dziergowski,
Project Consultant Supervisor
U. S. Fish & Wildlife Service
North Florida Ecological Services Office
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517

Dear Colonel Kelly, Regulatory Chief Zinszer, USFWS Field Office Supervisor Herrington, Deputy Field Supervisor Rauschenberger and Project Consultant Supervisor Dziergowski,

Please put this Comment # 33 into the Administrative Record.

INTRODUCTION

COMMENT # 33 WILL PROVIDE REASONS WHY THE RIDGE ROAD EXTENSION (RRE) MOD 7A APPLICATION CANNOT BE GRANTED A CWA 404 PERMIT THAT WOULD BE IN COMPLIANCE WITH FEDERAL LAWS AND AGENCY GUIDELINES. APPENDICES AT THE END PROVIDE THE COMPLETE AND UNABRIDGED EVIDENCE IN SUPPORT OF THAT STATEMENT.

THE PURPOSE OF THIS FORMAT IS TWOFOLD:

1-TO CHRONICLE FOR THE FEDERAL REVIEWING AGENCIES ALL OF THE REASONS WHY THAT APPLICATION MUST BE DENIED, AND

2-TO PROVIDE EVIDENCE FOR THE ATTORNEYS IN ANY FUTURE LEGAL ACTION IN FEDERAL COURT, SHOULD AN ATTEMPT BE MADE BY THE AGENCIES TO "MAKE THAT APPLICATION 'WORK' BY DISMISSING THOSE FEDERAL LAW VIOLATIONS AND SOMEHOW USE A MULTITUDE OF 'CONDITIONS,' AND ACCEPT NUMEROUS FUTURE "MODIFICATIONS," TO GRANT THE PERMIT.

THIS COMMENT # 33 IS DIVIDED INTO TWO MAIN PARTS.

PART A—REASONS WHY NO SECTION 7 ESA FORMAL CONSULTATION WITH THE USFWS CAN HAPPEN ANYTIME SOON DUE TO THE IMPOSSIBILITY OF ASSESSING DIRECT AND INDIRECT IMPACTS, DETERMINING MITIGATION, NOR UPDATING THE BIOLOGICAL ASSESSMENT WITH CURRENT LISTED SPECIES SURVEYS WITHOUT HAVING ACCESS.

PART B-- HOW ALL PASCO CONSULTANTS FOR THE RRE, AS WELL AS THEN PENSACOLA SECTION CHIEF CLIF PAYNE, EXPRESSED CONCERNS REGARDING PASCO'S INTENT TO CHANGE THE RRE ON PHASE 2 FROM LIMITED ACCESS TO ARTERIAL, AND ADD UP TO 7 NEW INTERSECTIONS, OPENING UP ALMOST 7,000 ACRES OF CURRENTLY AGRICULTURAL LANDS TO FUL ON/OFF ACCESS, AND CAUSE ADDITIONAL CUMULATIVE AND INDIRECT WETLAND AND LISTED SPECIES IMPACTS THAT NOW RENDER THE RRE MOD 7A ONE OF THE MOST, AND NO LONGER THE 'PRELIMINARY' LEAST, ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE.

PART A

THE TOTAL AMOUNT OF WETLAND AND LISTED SPECIES IMPACTS, AND A FULL ASSESSMENT OF THE REQUIRED MITIGATION, TO OCCUR ON THE RRE ROW ON PHASE 2 ARE STILL UNKNOWN DUE TO:

A-1--THE EXISTENCE OF AN INCOMPLETE AND UNSIGNED/UNVERFIED 60 % ROW SURVEY ON PHASE 2 BY THE SURVEY COMPANY BERRYMAN & HENIGAR HIRED BY PASCO COUNTY TO SURVEY FOR THE EXACT LOCATION OF THE RRE ROW, AND THE 300-FOOT BUFFER ON EACH SIDE OF THAT ROW.

A-2—TOM MONTGOMERY STATED THAT ACCESS TO THE 35-ACRE MIXED USE PARCEL WILL CAUSE MORE DIRECT WETLAND IMPACTS, AND THOSE HAVE NEVER BEEN ASSESSED.

A-3—THE RECENT 09/2018 ADDITION OF UP TO 7 NEW INTERSECTIONS ON PHASE 2 WILL CAUSE ADDITIONAL CUMULATIVE AND INDIRECT WETLAND IMPACTS TO THE RRE MOD 7A ALTERNATIVE THAT HAVE NEVER BEEN ADDED INTO THE LIST OF IMPACTS FOR THAT ALTERNATIVE.

NO REVISED AND UPDATED ALTERNATIVES ANALYSIS, CONTAINING ALL OF THE MOST RECENT DIRECT AND CUMULATIVE AND INDIRECT WETLAND IMPACTS, HAS BEEN DONE SO THAT THE PUBLIC CAN COMPARE WHICH ALTERNATIVES ARE THE LEAST, AND WHICH THE MOST, ENVIRONMENTALLY DAMAGING. AS A RESULT, NO FINAL MITIGATION PLAN CAN BE REVIEWED BY THE PUBLIC NOR APPROVED BY THE ACOE & EPA. AND BECAUSE OF THAT LACK OF APPROVAL OF THE FINAL MITIGATION PLAN, THE USFWS, AS THEY STATED IN THE ADMINISTRATIVE RECORD, CANNOT BEGIN SECTION 7 ESA FORMAL CONSULTATION. (SEE SECTION A-4 BELOW)

A-4—IN ADDITION, THE ADMINISTRATIVE RECORD SHOWS THAT TWO ACOE SECTION CHIEFS, AND TWO PAST ACOE PROJECT MANAGERS/REVIEWERS, HAVE MADE THE DETERMINATION THAT OUTDATED LISTED SPECIES SURVEYS MUST BE UPDATED AND CURRENT, AS PER ESA REGULATIONS AND LISTED SPECIES SURVEY PROTOCOLS. THAT INCLUDES THE E I SNAKE SURVEY PROTOCOL (VALID FOR ONLY 2 YEARS—LAST ONE WAS IN 2013) AND THE DETERMINATION BY USFWS FIELD SUPERVISOR DAVE HANKLA THAT IN GENERAL LISTED SPECIES SURVEYS ARE GOOD FOR ONLY 3 YEARS (LAST ONES WERE IN 2013).

A-5—OTHER PRACTICABLE ALTERNATIVES EXIST THAT ARE LESS ENVIRONMENTALLY DAMAGING AND NOW QUALIFY AS THE LEDPA. THEY ARE ALSO MORE AFFORDABLE TO THE APPLICANT, AND MORE LIKELY TO BE CONSTRUCTED AND ACHIEVE THE PROJECT PURPOSE TO GO EAST TO US 41.

A-6—THE LACK OF ANY PRE-AGREEMENT WITH PASCO COUNTY, SIGNED BY CSX RAILROAD, ENSURING CSX'S APPROVAL OF THE LOCATION AND DESIGN OF THE TWO 2-LANE BRIDGES OVER THEIR RR TRACKS. THERE ARE WETLANDS IN THE VICINITY OF THOSE PROPOSED BRIDGES THAT MAY BE IMPACTED IF THE LOCATION OF THOSE BRIDGES HAS TO BE MOVED, SHOULD CSX SO REQUEST.

A-7—EVIDENCE THAT THE USFWS HAS STATED THAT NO SECTION 7 FORMAL CONSULTATION CAN BE INITIATED WITHOUT A FINAL MITIGATION PLAN APPROVED BY THE ACOE AND EPA.

SECTION A-1—THE APPLICANT'S SURVEYORS BERRYMAN & HENIGAR NEVER SURVEYED THE RRE ROW ON PHASE 2 BEYOND A 60 % LEVEL AND NEVER LEGALLY VERIFIED THAT 60 % SURVEY.

THIS COMMENT # 33 IS A REMINDER TO THE FEDERAL AGENCIES REVIEWING THE PROPOSED RIDGE ROAD EXTENSION (RRE) APPLICATION THAT NO FINAL DECISION PERTAINING TO THE UMAM FUNCTIONAL UNIT LOSS FOR THIS PROJECT, AND THE REQUIRED MITIGATION TO OFFSET THOSE LOSSES, NOR ANY FINAL APPROVAL OF THE ESA REQUIREMENTS BY THE USFWS THAT DEPENDS ON A FINALIZATION OF THAT MITIGATION, CAN BE MADE AS LONG AS THE FULL EXTENT OF WETLAND IMPACTS FOR ALL OF PHASE 2, BOTH DIRECT AND CUMULATIVE/INDIRECT, AND BASED ON A VALID AND SIGNED ROW SURVEY, ARE COMPILED AND MITIGATED FOR IN A FINAL MITIGATION PLAN. THE ADDITIONAL COSTS OF THAT MITIGATION MUST THEN BE ADDED TO THE CURRENT TOTAL COST OF THE 8.4-MILE PROPOSED PROJECT TO GET A MORE CORRECT TOTAL COST.

THE CURRENT ROW SURVEY ON PHASE 2 WAS DONE BY BERRYMAN & HENNIGAR YEARS AGO AT ONLY A 60% LEVEL, AND THOSE SURVEYORS REFUSED TO SIGN THAT INCOMPLETE PHASE 2 ROW FIELD SURVEY, STATING IT WOULD HAVE BEEN A VIOLATION OF FLORIDA SURVEY STANDARDS. UNTIL A 95% - !00% CERTIFED ROW SURVEY FOR PHASE 2 HAS BEEN DONE, SHOWING THE EXACT POSITION OF THAT ROW WITH REFERENCE TO WETLAND LOCATIONS, AND THE EXTENT OF IMPACTS IN THOSE WETLANDS BY THAT ROW, ARE DETERMINED AND VERIFIED BY A LICENSED

FLORIDA SURVEYOR, THE WETLAND IMPACTS FOR PHASE 2 OF THE PROPOSED MOD 7A CANNOT BE KNOWN. AS SUCH, NEITHER CAN THE MITIGATION BE KNOWN. AND THE USFWS, AS REFERRED TO ABOVE, REQUIRES APPROVAL OF THE MITIGATION PLAN BEFORE FORMAL CONSULTATION CAN BEGIN. IF IT ALREADY HAS BEGUN, IT SHOULD BE SUSPENDED UNTIL THIS REQUEST HAS BEEN MET.

THE CONTINUED DENIAL OF ANY ACCESS TO ALMOST 4,000 ACRES OF THE ACTION AREA ON PHASE 2 OWNED BY THE BEXLEY FAMILY WEST OF THE CSX RR TRACKS HAS CAUSED THIS APPLICATION TO REACH A DEAD END, WITH NO FUTURE PROGRESS IN SIGHT.

THE ACOE PROJECT MANAGER TERRY "SHAYNE" HAYES TOLD MR. RAMETTA YEARS AGO IN THE ACOE PENSACOLA OFFICE THAT THERE WOULD BE A FINAL DECISION AND NO ACOE 'WITHDRAWAL' WOULD HAPPEN (AFTER ALREADY TWO WITHDRAWALS HAVE ALREADY BEEN MADE BY THE ACOE).

THAT LEAVES BUT ONE OPTION, A DENIAL.

A COMPLETE SURVEY OF THE PROPOSED RIGHT OF WAY ON PHASE 2 EAST OF THE PARKWAY HAS NEVER BEEN MADE AND SIGNED BY A LICENSED FLORIDA SURVEYOR. DUE TO ACCESS ISSUES. EVIDENCE WILL BE PRESENTED THAT, AS LATE AS APRIL AND JUNE OF 2017, BOTH THE ACOE AND PASCO'S CONSULTANTS WERE AWARE OF THE EXISTENCE OF THIS INCOMPLETE SURVEY. AND THERE HAS BEEN NO ACCESS TO THE ALMOST 4,000-ACRE AGRICULTURAL PARCEL JUST WEST OF THE CSX RR TRACKS SINCE AN AGENCY FIELD VISIT IN 2016. A MORE COMPLETE DISCUSSION OF THE LACK OF A FULL SURVEY FOR PHASE 2, WITH EVIDENCE, WAS PRESENTED IN OUR COMMENT #31, PART 3A BEGINNING ON PAGE 27. SEMINAL PARTS CAN BE FOUND IN APPENDIX # 1 AT THE END OF THIS COMMENT. THE MOST IMPORTANT PARTS OF PASCO'S EMAILS, SHOWING PASCO'S AWARENESS OF THIS INCOMPLETE ROW SURVEY, ARE LISTED BELOW:

1— AUGUST 2005 As discussed by phone this morning, the Phase II maps have not been completed. Since April 1999 through our most recent, the Phase II maps are on hold.

...our subconsultant, Berryman & Hennigar...indicated that they may not have the ability to complete the maps for the funds remaining...

Recovery of field monumentation after the passage of over 6 years from the completion of the initial field survey effort until now is also an issue.

2— NOVEMBER 2005----TOM MONTGOMERY--The current status is:

Some other items that will be need to be completed for Phase II are: R/W Maps,

3— APRIL 2006—TOM MONTGOMERY

I've received confirmation from B&H that they "don't think it is possible to complete Phase II for the fees remaining in the contract because of the same issues with Phase I - Ownership changes of parent tracts, old survey control in the field, etc.".

They believe completion of Phase II with the data that existed in 2000 may have some issues related to their legal obligations under the Minimum Technical Standards. They believe it is their obligation under MTS to show all items they are aware of on certified surveys in addition to information provided by the client. B&H will do some research into the legal implications of providing S/S surveys that do not show existing conditions of which they are aware (i.e. the ownership changes and recently platted subdivisons). **They are concerned that it would create a significant liability if they certify a survey, maps and legals that may not reflect current conditions if a problem comes up during land acquisition or construction.** B&H will provide me a letter outling their position on completion of Phase II by the end of next week. I will forward upon receipt.

Thanks
Tom

4-- MAY 2006—BERRYMAN & HENIGAR AGAIN TELLS PASCO THEY CANNOT COMPLETE SURVEYS ON PHASE 2 AND BE IN COMPLIANCE WITH THE FLORIDA STATE MTS (MINIMUM TECHNICAL STANDARDS).

5- MAY 2007—FROM TOM MONTGOMERY—

Phase II:

1. 2 copies of R/W Control Survey signed and sealed by Walter Smith PSM (copies from their files).
2. CD containing Microstation (dgn) files of R/W Control survey (as singed and sealed) **and Right of Way maps (incomplete, as prepared to date),** ASCII point file (point name, northing, easting, elevation, description) of all points in the Geopak project. **It is noted the project is incomplete.**

<u>COMMENT INSERT</u>—IN SHAYNE HAYES' 4/20/2017 TELECONFERENCE NOTES BELOW, HE ASKED TOM MONTGOMERY FOR A PDF OF THE PHASE 2 SURVEYS FROM BERRYMAN & HENIGAR. SINCE THEY HAVE NEVER BEEN COMPLETED NOR SIGNED BY THOSE SURVEYORS, WAS THAT REQUEST EVER HONORED? WE DO NOT SEE HOW IT COULD HAVE BEEN.

4-20-17 Teleconference
Debbie, Sharpe, Clif
Dave, Tom, (Dwight not available)
Debbie [illegible] [illegible] [illegible] [illegible] May 17, 2017
[illegible]

Dave - thanked us for accomodating the call
- asked about status of [illegible] / [illegible] LEDPA

Debbie - discussed need to coordinate with OC
OC very busy at this time. She and Dennis have identified 2 highest priority projects - RRE is one of those 2 projects
- Deb has ongoing calls with EPA in Atlanta
- Trying to set up call with EPA to discuss 2 projects, including RRE
- Deb noted not just talking to EPA project manager but going 2 levels up
- Dave - Michelle Bolen

- Discussed mitigation credits identified on page 2 (Section 4.c) of their Comp Mitigation letter, 28-Mar-17

- Discussed letters. I am still looking at parts of the RAI response

- Requested that Tom provide quality, larger scale PDF of Phase 2 surveys from PJD letter (surveys by Bergmann + Hangar)

<u>COMMENT INSERT</u>—NOTES FROM THE BELOW 5/25/2017 TELECONFERENCE SHOW THAT ACOE'S SHAYNE HAYES ASKED FOR WETLAND CONDITIONS AS THEY WERE THEN ("TODAY") IN 05/2017 FOR WETLANDS 20 AND 21 WEST OF, AND PART OF THE INTERCHANGE. TO BE CONSISTENT, THE SAME MUST BE PROVIDED FOR ALL CURRENT "TODAY" (IN 2019) WETLAND "CONDITIONS" FOR THE WETLANDS ON BOTH PHASES 1 AND 2, SINCE WETLAND CONDITIONS CHANGE OVER TIME.

5-25-2017 Teleconference

- Wetlands 20 + 21

- borrow pit - private contractor - permit was not tied to Suncoast
rkway - ("Cone" contractor / borrow pit)
Cone Contra

N 20 - go with line as submitted (1 contigu

N21 - maybe research

affirmed that 300-ft will be used for indirect effects
need UMAM for both direct + indirect

25-2017 - treat the wetland as it is today

J-21 - cut at ROW 21A (won't change unless we're 5-10 y
down road for some/uniform

- interpret small E-W borrow area wetland (21B) 2019

ALL UPDATED 2019 WETLAND SURVEYS MUST
ALSO BE TREATED THE SAME WAY - AS ARE TODAY IN

COMMENT INSERT—FURTHER DOWN IN THIS COMMENT, PAST PROJECT MANAGER MIKE NOWICKI STATED IN 2006 THAT HE HAD "…concerns that our impacts are not accurate and therefore the WRAP analysis is not accurate" SO HE STATED THAT "… another field visit Is required…" SINCE "…the last field visit was probably four years ago…" MR. NOWICKI SAID THE ABOVE WAS NECESSARY IN ORDER TO "…gather the necessary data and information relative to the required evaluation of the wetlands under the uniform mitigation assessment methodology…and prepare a proposed restoration and management plan."

TO BE CONSISTENT, THE SAME SHOULD HOLD TRUE NOW IN 2019, SINCE IT HAS BEEN OVER 6 YEARS SINCE THE LAST WETLAND CONDITION ASSESSMENT SURVEY HAS BEEN DONE. THIS IS ESPECIALLY TRUE NOW IN THE SUMMER OF 2019 WHEN, AS OF 08/17/2019, PASCO COUNTY AND THE ANCLOTE RIVER ARE UNDER A FLOOD WARNING BY THE U S WEATHER SERVICE AFTER A SUMMER SO FAR OF UNUSUALLY HIGH RAINFALL. THE WETLAND SYSTEMS ARE MUCH FULLER AND MORE BROADLY EXTENDED BEYOND THEIR USUAL BOUNDARIES DUE TO THAT EXTENSIVE RAINFALL.

SECTION A-2—NEW INFORMATION SHOWING ADDITIONAL AS YET NEVER IDENTIFIED WETLAND IMPACTS ON THE 35-ACRE MIXED USE AREA.

COMMENT INSERT—SAM BENECK, PASCO'S RRE PROJECT MANAGER, AND DAVE BARROWS OF DAWSON & ASSCOIATES, EXCHANGE EMAILS BELOW REGARDING THE RECENT OWNERSHIP CHANGES OF 2,900 ACRES EAST OF THE PARKWAY TO THE LEN-ANGELINE GROUP (LENNER HOMES). THE NEW OWNERS REFUSED TO ACCEPT THE ACOE-PROPOSED CONSERVATION EASEMENT (CE) FOR THE 35-ACRE MOL MIXED USE PARCEL THEY NOW OWN AT THE PARKWAY INTERCHANGE.

THE IMPORTANCE OF THIS EMAIL LIES IN THE NEW REVELATION THAT, IN THOSE EMAILS BY TOM MONTGOMERY, ANY ACCESS TO THAT MIXED USE PARCEL WILL DIRECTLY IMPACT WETLANDS NOT HERETOFORE ASSESSED AS WETLANDS THAT WERE TO BE IMPACTED. THIS WILL ADD TO THE CURRENT 37.38 ACRES OF DIRECT WETLAND IMPACTS FOR THE RRE MOD 7A, MAKING IT LESS OF A LEDPA THAN IT ALREADY IS.

TO BE ADDED TO THOSE ADDITIONAL DIRECT WETLAND IMPACTS, ARE ALL 207 ACRES MOL OF ADDITIONAL CUMULATIVE AND INDIRECT IMPACTS THAT WERE RECENTLY ASSESSED BY PASCO COUNTY DUE TO OPENING UP NEW ACCESS ON ALMOST 7,000 ACRES OF CURRENT FARMLANDS BY THE RRE VIA THE NEW PROPOSED INTERSECTIONS.

From: David B. Barrows [mailto:barrows@teleport.com]
Sent: Friday, March 23, 2018 10:38 AM
To: Sam Beneck
Cc: 'Thomas Montgomery'; 'Dwight Beranek'
Subject: RE: Language from Len-Angeline _ D&A Comments Added

Thanks Sam. Appreciate you sending us the proposed language from Len-Angeline, and for our follow on discussion yesterday morning. Also, thanks to Tom for providing the language from RAI#10, which will make my reply easier for you to cross reference.

D&A recommends against using any of the Len-Angeline language and instead recommends the co-applicants submit the original language develop by the County as the response to RAI#10.

The purpose for the Corps to add permit conditions is to protect the rights and interests of the Federal government, satisfy legal requirements like compliance with the 404(b)(1) Guidelines, and/or to otherwise satisfy the public interest requirements that must be met before the Corps issues a permit. Permit conditions stipulate requirements that must be met by the permittee(s) in order for the Corps to issue the permit and for the permittee to remain in compliance with the permit. Permit conditions should be clear, concise, easily understood, and enforceable. **If the permit condition would not be enforceable, the Corps should deny the permit.**

The Corps made its requirements very clear when requesting information from the County in RAI#10 below. In our judgment, the Len-Angeline language neither meets these requirements in whole or in part. The language suggested by Len-Angeline shown below is annotated with specific comments from D&A. Please let me know if you have questions.

Thanks…Dave

"Initial vehicular access from the Mixed Use Parcels legally described in Exhibit _____ to Ridge Road is through a single connection/intersection with Ridge Road generally located on Exhibit _____ and that this connection/intersection will not require impacts to wetlands determined to be waters of the United States within the affected parcels. (The Corps would not make this determination without a specific proposal to review that would be the basis for the determination. As such, the Corps would not stipulate to the no permit required determination proposed here. **Also, as Tom points out, it would be problematic to access portions of the MU parcels without impacts to wetlands.**)

AND

From: Thomas Montgomery
Sent: Thursday, March 22, 2018 9:10 AM
To: 'barrows@teleport.com' <barrows@teleport.com>; 'Sam Beneck' <sbeneck@pascocountyfl.net>
Cc: 'Dwight Beranek' <dwight.beranek@gmail.com>
Subject: RE: Language from Len-Angeline

Team
For reference I've attached an exhibit showing the MU parcels. The location of the median opening provides access to the northern portion of the eastern MU parcel within uplands. **Access from the median opening location to the southern portion of the eastern parcel may be problematic without impacts to wetlands. Also, the remainder of the western portion of the MU parcel (that part not taken by LA/RW) is bounded by wetlands so access to that is problematic without impacts to wetlands. Therefore the language "…*this***

connection/intersection will not require impacts to wetlands determined to be waters of the United States within the affected parcels." may present a problem.

Thanks

Tom

SECTION A-3—THIS SECTION CONTAINS PASCO'S ADMISSION THAT THERE IS A DEFINITE NEED FOR ACCESS TO PHASE 2 TO COMPLETE THE FEDERAL LEGAL REQUIREMENTS TO ASSESS AND MITIGATE FOR ALL CUMULATIVE AND INDIRECT IMPACTS, AND THEIR AWARENESS OF THE IMPOSSIBILITY OF SUBMITTING THE REQUIRED FINAL MITIGATION PLAN, AND THE TOTAL NUMBER OF UMAM IMPACT UNITS, WITHOUT HAVING ACCESS TO ALL OF THE ACTION AREA.

COMMENT INSERT--15 MONTHS BEFORE THE ACOE ISSUED A NEW/AMENDED PUBLIC NOTICE ON 09/25/2018, THE ACOE PROJECT MANAGER SHAYNE HAYES BELOW REQUESTED AN ASSESSMENT OF "INDIRECT EFFECTS" AND ASKED THAT THE APPLICANT BE "CONSISTENT" (SEE EMAIL BELOW). WE TAKE THAT TO MEAN THAT THE APPLICANT EMPLOY THE SAME SURVEY PROCEDURES THAT WERE USED FOR PHASE 1 AND THE INTERCHANGE. THE ROW ON PHASE 2, AS ALREADY MENTIONED, WAS NEVER COMPLETELY SURVEYED BEYOND A 60 % LEVEL, SO BOTH DIRECT AND INDIRECT WETLAND IMPACTS ON THE ACTION AREA OF THE PHASE 2 ROW ARE STILL, AFTER OVER 21 YEARS, NOT KNOWN AND HAVE NEVER BEEN GROUND TRUTHED NOR CERTIFIED. THIS MEANS THAT 40 % OF THE ROW ON PHASE 2 WAS NEVER LEGALLY SURVEYED.

6-29-17
9:00 am
Clif, Shayne
Tom, Dwight, Dave
Sam B., Fred G.

- Dwight - gave overview of meeting with County Administrator. He supports project, gets update every two weeks

- I gave update - nothing new. Still have public involvement, inquiries from EPA.
- Dave - Sierra Club facebook page

- Dave asked about hiring actions. Clif said that we are working on it, but no details at this time. Dave offered to give brief to new PM to help get them up to speed. - Clif said that would be helpful.
- Dwight commented that it would be nice if Dennis or Ed Kirk happen to be in area that they maybe come to meet. ↓

the MBI specifically

- I mentioned assessment of indirect effects
  - try to be consistent
- Dave - responded that AA used 300

<u>COMMENT INSERT</u>—ATTACHED TO THE BELOW EMAIL IS A DELEGATION OF AUTHORITY GRANTED TO COUNTY ADMINISTRATOR DAN BILES TO ATTEMPT TO GAIN ACCESS TO THE BEXLEY FAMILY LANDS. CLICK ON ITEM C-28 OF THE BELOW PASCO HTTP ADDRESS FOR THE BELOW ATTACHMENTS. THE READER WILL NOTE THAT THIS DELEGATION SPECIFICALLY STATES THAT "ADDITIONAL SITE VISITS" ARE REQUIRED TO COMPLETE THE TASKS NECESSARY TO GAIN A CWA 404 PERMIT. AS OF THIS WRITING IN 08/2019, THOSE STILL HAVE NOT BEEN POSSIBLE TO OBTAIN.

> **".. the environmental impacts which cannot be avoided must be quantified so that adequate mitigation can be provided. These activities require additional site visits and investigation beyond what has been completed to date. As a portion of the proposed Ridge Road Alignment is under private ownership by the James and Mable Family Partnership, LLLP and the Angeline Corporation, a Right of Entry Agreement is being negotiated but is not yet final.**

AND

> **"...all other elements of the previously prepared construction plans must be updated..."**

From: Gina Sacco
Sent: Wednesday, October 04, 2017 11:23 AM
To: Deborah Bolduc; Margaret W. Smith
Cc: Christopher S. Wert; Sam Beneck; Lisa L. Hubbs
Subject: October 24th BCC Agenda Item Approval - PMA18-010

Good Morning.

Please review and approve the attached Agenda Item (PMA18-010) Delegation of Authority - Daniel Biles, County Administrator for the Ridge Road Extension Right of Entry for the 10/24/17 BCC meeting.

Deadline to Doreen is Friday, October 6th by 5:00 p.m.

Thank you.

[cid:image001.png@01D30D06.399C3620]<http://www.pascocountyfl.net/>

Gina Marie Sacco
Project Coordinator III
Project Management
Pasco County BCC

http://pasco.siretechnologies.com/Sirepub/mtgviewer.aspx?meetid=1886&doctype=MINUTES

C28 <u>Delegation of Authority - Daniel Biles, County Administrator - Ridge Road Extension Right of Entry - No Funding Required</u>
Memorandum PMA18-010
Recommendation: Approve

AGENDA SUMMARY SHEET Meeting Type: Pasco County Commission Department: Utilities Administration Memorandum Number: PMA18-010 Subject: Delegation of Authority - Daniel Biles, County Administrator - Ridge Road Extension Right of Entry - No Funding Required Recommendation: Approve

ATTACHMENT # 2

BOARD OF COUNTY COMMISSIONERS AGENDA MEMORANDUM COMMISSION DISTRICT: 2 and 4 FILE NO.: PMA18-010 DATE: 10/05/17 SUBJECT: Delegation of Authority – Daniel Biles, County Administrator – Ridge Road Extension Right of Entry – No Funding Required REFERENCE: Right of Entry Agreement dated March 28, 2013 THRU: Flip Mellinger, Assistant County Administrator (Public Infrastructure) FROM: Margaret W. Smith, P.E., Public Infrastructure, Engineering Services Director/County Engineer

RECOMMENDED BOARD ACTION: **Delegate to the County Administrator the authority to negotiate and execute future right of entry agreements with the James and Mable Family Partnership**, LLLP and the Angeline Corporation, the owners of the Bexley Ranch, to access the Bexley Ranch in connection with the design and permitting of the Ridge Road extension.

BACKGROUND SUMMARY/ALTERNATIVE ANALYSIS: In July 2017, the BCC approved a change order for NV5 to develop Final Design and Construction Plans for the Ridge Road Extension Project based on Modified Alternative 7. **Finally, the environmental impacts which cannot be avoided must be quantified so that adequate mitigation can be provided. These activities require additional site visits and investigation beyond what has been completed to date. As a portion of the proposed Ridge Road Alignment is under private ownership by the James and Mable Family Partnership, LLLP and the Angeline Corporation, a Right of Entry Agreement is being negotiated but is not yet final.**

<u>EXCERPTS FROM ATTACHMENT # 3 IN THE ABOVE EMAIL:</u>

The Modified Alternative 7 alignment includes substantial bridging of environmentally sensitive areas which had not been contemplated when the previous construction plans were prepared. In addition to the design of these structures, existing drainage plans and permits must be modified to account for the new roadway elevation as a result of the bridges, additional geotechnical investigation and survey are required to ensure that the bridge structures are adequately designed, and **all other elements of the previously prepared construction plans must be updated to reflect the changes required by the new roadway concept. These activities require additional site visits and investigation beyond what has been completed to date.**

NOTE: THIS SECTION IS DESIGNED TO INFORM AND ALERT THE FEDERAL REVIEWING AGENCIES, FEDERAL JUDICIAL REVIEW EMPLOYEES, AND ANY ENVIRONMENTAL ATTORNEY ENTITIES, OF THE NEED TO REVIEW, INCORPORATE AND FULLY CONSIDER ALL CUMULATIVE AND INDIRECT (SECONDARY) IMPACTS THAT ARE "REASONABLY FORESEEABLE" TO THE ENTIRE ACTION AREA ON PHASE 2, NOW THAT IT WILL BE OPENED UP TO FULL ACCESS ON PHASE 2.

FIRST THE ACOE REQUIREMENTS:

THE JACKSONVILLE ACOE DISTRICT'S REQUIREMENTS REGARDING INDIRECT IMPACTS CAN BE FOUND AT:

https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/Wetlands/Indirect%20Effects%20Guidance%20-%20Revised%20Memo%20for%20CESAJ-RD%20July%202015%20with%20Attachments.pdf

Jacksonville District, Regulatory Division Guidance
for the Assessment of Indirect Effects and
Impacts in Wetlands for Compensatory Mitigation under
the National Environmental Policy Act and
Section 404 of the Clean Water Act of 1972

The terms "effect" and "impact" are used synonymously in the CEQ regulations (40 CFR §1508.8). "Secondary impact" does not appear, nor is it defined in either the CEQ regulations or related CEQ guidance. However, the term is used in the FHWA's ***Position Paper: Secondary and Cumulative Impact Assessment In the Highway Project Development Process*** (April, 1992) (COMMENT INSERT—SEE NEXT SECTION FOR THAT PAPER) but is defined with the CEQ definition of indirect impact (40 CFR § 1508.8). For purposes of this guidance, secondary and indirect impacts mean the same thing.

COMMENT INSERT—THAT FHWA'S APRIL 1992 "Secondary and Cumulative Impact Assessment in the Highway Project Development Process" REFERRED TO ABOVE BY THE ACOE MAKES IT VERY CLEAR THAT WITHOUT THAT ANALYSIS:

> **"... the project purpose and need will be difficult to defend and any decisions to proceed with the project may likely be challenged." IT ALSO STATES THAT A COMPLETE AND "...systematic analyses of environmental, social and economic impacts of sponsored projects that include coverage of secondary and**

cumulative effects" **MUST BE COMPLETED** "otherwise, the analyses most likely will be incomplete under the FHWA commitment to comprehensive environmental and public interest decisionmaking."

ANYONE INVOLVED IN THE JUDICIAL PROCESS WILL UNDERSTAND THE IMPLICATIONS OF THOSE STATEMENTS BY THE FHWA.

NOW FOR THOSE FHWA REQUIREMENTS:

THE COMMENTS INSERTED BELOW REFER TO THE FHWA'S POSITION PAPER REFERENCED ABOVE IN THE JACKSONVILLE ACOE'S GUIDANCE MEMO CONCERNING INDIRECT IMPACTS.

COMMENT INSERT—THE FHWA BELOW IS CLEAR THAT ALL "FORESEEABLE" SECONDARY AND CUMULATIVE IMPACTS MUST BE CONSIDERED BY AN APPLICANT. THIS MEANS THAT PASCO'S ATTEMPT TO POSTPONE THAT ASSESSMENT TO OTHERS LATER IN TIME IS A DIRECT VIOLATION OF 40 CFR § 1508.8 **REFERRED TO BY THE FHWA.**

https://www.environment.fhwa.dot.gov/nepa/impact_assessment_highway_dev.aspx

NEPA and Transportation Decisionmaking

Secondary and Cumulative Impact Assessment in the Highway Project Development Process--- Federal Highway Administration Project Development Branch, HEP-31-April 1992.

COMMENT INSERT—BELOW THE FHWA REFERS TO "...secondary effects such as, changes in land use...and population density." **THAT IS EXACTLY WHAT THE RRE WILL CAUSE TO OCCUR NOW THAT THE APPLICANT HAS ASKED FOR FULL ACCESS TO PHASE 2 THAT WILL CERTAINLY** "...eventually lead to a measurable environmental change."

Secondary effects are those that are "caused by an action and are later in time or farther removed in distance but are still reasonably foreseeable" (40 CFR 1508.8). Generally, these impacts are induced by the initial action. They comprise a wide variety of secondary effects such as, changes in land use, water quality, economic vitality and population density. Cumulative effects are impacts which result from the incremental consequences of an action when added to other past and reasonably foreseeable future-actions (40 CFR 1508.7). These impacts are less defined than secondary effects. The cumulative effects of

an action may be undetectable when viewed in the individual context of direct and even secondary impacts, but nonetheless can add to other disturbances and eventually lead to a measurable environmental change.

CONTINUING WITH THE FHWA GUIDELINES.

We cannot assume necessarily that impacts which are difficult to recognize and evaluate have no bearing on our decisions. Since we are making decisions that shape the future, **we must consider the ramifications of those determinations beyond their immediate effects on the existing environment.**

These mandates place new emphasis on the examination of secondary and cumulative impacts. That is, the FHWA and the SHAs must produce systematic analyses of environmental, social and economic impacts of sponsored projects that include coverage of secondary and cumulative effects. **Otherwise, the analyses most likely will be incomplete under the FHWA commitment to comprehensive environmental and public interest decisionmaking.** This responsibility for informed decisions requires the collection and presentation of all information relevant to the project, **including the indirect consequences of the proposed action in relation to area-wide environmental change.** Ways should be established to incorporate these considerations into the highway development process. **Project approvals should be based on analyses of impacts that go beyond studies of only the immediate and direct effects which have traditionally supported our decisions.**

COMMENT INSERT—THE ABOVE INSTRUCTIONS SPECIFICALLY REFER TO THE FACT THAT CWA 404 APPLICATION REVIEWERS MUST "...go beyond studies of only the immediate and direct effects..." AND CONSIDER "...the indirect consequences of the proposed action in relation to area-wide environmental change." TO NOT DO SO MEANS "... the analyses most likely will be incomplete under the FHWA commitment to comprehensive environmental and public interest decisionmaking." THE ACOE MUST GO THE EXTRA MILE IN THIS MATTER, SINCE THE PUBLIC INTEREST HAS BEEN SO EXTENSIVE OVER SUCH A LONG PERIOD OF TIME (21 YEARS.)

COMMENT INSERT—BELOW REFERS TO THE ENDANGERED SPECIES ACT AND THE NEED TO FULLY CONSIDER "...the rate of habitat loss by various activities and the susceptibility of the species to these pressures." A CONSIDERATION MUST ALSO BE MADE FOR THE POTENTIALLY GREATER IMPACTS TO BOTH LISTED SPECIES AND THEIR HABITATS ON THE ENTIRE FORMERLY INACCESSIBLE IMPACT AREA, INCLUDING UPDATED SURVEYS AND A QUANTIFICATION OF, AND MITIGATION FOR, ANY ADDITIONAL IMPACTS.

CONTINUING WITH THE FHWA GUIDELINES.

An example would be studies conducted to determine possible effects of a highway improvement on a species listed as endangered under the Endangered Species Act. Knowledge of past and present pressures from both the

proposed project and outside forces is essential to determine whether or not a project is expected to jeopardize the continued existence of a protected species and its habitat. **Studies would include estimates of the rate of habitat loss by various activities and the susceptibility of the species to these pressures**. Once this information is gathered and assimilated into a single analysis, the individual effect (contribution) of the highway project gains perspective and conclusions on the proposal's impact to the species are possible.

COMMENT INSERT—BELOW REFERS TO THE FACT THAT "...wetlands are not considered as isolated resources, but instead as integral features of the natural environment." WE TAKE THAT TO MEAN THAT ANY CONSIDERATION OF INDIRECT IMPACTS TO WETLANDS SHOULD VIEW THEM NOT AS ISOLATED ENTITIES BUT AS RELATED AND INTERACTING ELEMENTS OF THE NATURAL ENVIRONMENT. AS SUCH, ANY ASSESSMENT OF INDIRECT EFFECTS SHOULD CONSIDER THOSE EFFECTS ON THE ENTIRE ACTION AREA, AND NOT JUST ON THE ACTUAL ROW AND 300-FOOT ADJACENT AREAS.

A similar thought process may be followed for the examination of wetland impacts. During impact assessments, wetlands are not considered as isolated resources, but instead as integral features of the natural environment. The recognized values of wetland habitats indicate this integral relationship.

COMMENT INSERT—IT IS CLEARLY STATED BELOW THAT THE CWA 404 APPLICATION REVIEWERS MUST NOT RESTRICT THEIR EXAMINATION OF SECONDARY AND CUMULATIVE CONSEQUENCES "...only the immediate influence of an isolated project" BUT CONSIDER "...the larger system..." THAT MAY NOT BE AS APPARENT IN NORMAL ENVIRONMENTAL STUDIES. THE FHWA PLACES EMPHASIS ON THAT "LARGER SYSTEM" AND POINTS OUT THE NEED FOR A SYSTEMWIDE CONSIDERATION OF INDIRECT IMPACTS. SO TOO SHOULD THE ACOE.

2. **Since the resource functions may be removed in both distance and time, secondary and cumulative consequences to the larger system may likely be 'invisible' to normal environmental studies that examine only the immediate influence of an isolated project.**

Therefore, an examination of secondary and cumulative consequences should focus on the functional relationships of resources with larger systems. If these relationships are understood, then conclusions on a project's likely secondary and cumulative impacts to the overall system should be possible.

Conversely in areas of moderate to rapid development, the contributions of a highway improvement can be a measurable element of the aggregated change leading to long-term impacts.

COMMENT INSERT—THE ABOVE DESCRIPTION DESRIBES EXACTLY WHAT PASCO COUNTY HAS NOW BECOME, NAMELY AN AREA OF "RAPID DEVELOPMENT."

The potential for secondary and cumulative effects, and thus the need to conduct specific analyses to determine the possibility of impacts, also depends upon the type of project being proposed. Capacity improvements, additional interchanges and construction on new location generally have a greater potential for indirect effects than projects to upgrade existing facilities.

COMMENT INSERT—THE REFERENCE ABOVE TO "CONSTRUCTION ON NEW LOCATION" DESCRIBES THE PROPOSED RRE ON PHASE 2 AND IT IS EXPECTED TO HAVE "...a greater potential for indirect effects than projects to upgrade existing facilities." **WHILE THE PROPOSED RRE WILL DEFINITELY HAVE THOSE GREATER INDIRECT EFFECTS, ANOTHER ALTERNATIVE, NAMELY ALTERNATIVE # 10-TOWER ROAD, WILL HAVE MUCH FEWER INDIRECT EFFECTS SINCE IT IS A PROJECT THAT WILL** "...upgrade existing facilities." **ALMOST ONE HALF OF ITS 11 MILES MOL HAVE ALREADY BEEN CONSTRUCTED BY DEVELOPERS AND ARE NOW IN USE. THE REMAINDER IS A MOSTLY DIRT FARM ROAD WHOSE CONSTRUCTION PREDATED THE 1972 CWA, SO THE NEED FOR FILLING WETLANDS IS MUCH LESS THAN THE PROPOSED RRE. AS OF 2019, TOWER ROAD HAS ONLY ABOUT ONE HALF OF ITS 2015 LISTED 22.2 ACRES OF WETLAND IMPACT REMAINING, WHILE THE RRE HAS 8.88 ACRES MORE (NOW IN 2019 = 37.38 ACRES) THAN ITS 2015 LISTED 28.5 ACRES OF WETLAND IMPACT. IN THE COMPARISON OF ONE HALF OF 22.2 ACRES (TOWER ROAD'S DIRECT WETLAND IMPACTS—NOW AROUND 12 ACRES) VERSUS AT LEAST 37.38 ACRES OF DIRECT WETLAND IMPACTS (THE RRE), WHAT PART OF "LEAST" DOES THE ACOE NOT UNDERSTAND?**

New access into undeveloped locations can contribute to subsequent development activity. In some instances the stated purpose for proposed projects may be to promote economic development in depressed areas needing overall infrastructure improvement. In cases like these, a discussion of indirect effects should be included in the project environmental analysis. Without it, the project purpose and need will be difficult to defend and any decisions to proceed with the project may likely be challenged.

COMMENT INSERT—THAT ABOVE "DISCUSSION" MUST ALSO INCLUDE A QUANTIFICATION OF THOSE IMPACTS AND A STATEMENT OF THE MITIGATION TO BE PROVIDED TO OFFSET THOSE IMPACTS.

In cases where an area has conducted little or no resource planning the assessment of secondary and cumulative impacts can be much more difficult. Often these areas have done little in the way of planning for development as well.

COMMENT INSERT—EVEN THOUGH THAT "ASSESSMENT" CAN BE MORE DIFFICULT, IT NEVERTHELESS MUST BE DONE.

COMMENT INSERT—THE PROPOSED RRE FITS THE BELOW DESCRIPTION OF A HIGHWAY PROJECT THAT WAS RECENTLY MODIFIED ON PHASE 2 TO BECOME "...a clear link to... subsequent development ..." AS SUCH, AS STATED BELOW, "...secondary/cumulative impacts attributable to the project are likely great." IT CAN THEN BE EXPECTED THAT THOSE SECONDARY/CUMULATIVE IMPACTS FOR THE RRE WILL BE "GREAT" AND, WHEN ADDED TO THE GREATER NUMBER OF DIRECT IMPACTS SINCE 2015, MAKE IT NOW IN 2019 INELIGIBLE FOR ANY LEDPA DESIGNATION.

1. Finally, assess the indirect impacts of a highway improvement by analyzing the planned and potential development for the area influenced by the project over the life of the facility. The projected impacts of this development in total would be an adequate estimate of the secondary and cumulative effects on environmental resources in the area.

3. However, if future area-wide impacts are indicated, the contribution of the project should then be estimated by judging how directly the highway improvement influences the subsequent development. If the influence is low, the contribution of the highway is likewise low; i.e. the proposal likely has minor or no secondary and cumulative impact. **If, however, the highway has a clear link to or was planned to promote the subsequent development**, the contribution is high **and secondary/cumulative impacts attributable to the project are likely great.**

SECTION A-4—ALL LISTED SPECIES SURVEYS ARE NOW IN 2019 OUTDATED AS PER ESA REGULATIONS. THAT INCLUDES THE LISTED SPECIES SURVEY FOR THE E I SNAKE (THAT SURVEY PROTOCOL IS GOOD FOR 2 YEARS—NOW 4 YEARS OVERDUE) AND THE DETERMINATION BY USFWS FIELD SUPERVISOR DAVE HANKLA THAT IN GENERAL LISTED SPECIES SURVEYS ARE GOOD FOR ONLY 3 YEARS.

<u>COMMENT INSERT</u>—THE 2016/2018 BA BELOW STATES THAT IT WAS REVISED IN 11/2018, TWO MONTHS *<u>AFTER</u>* THE ACOE ISSUED THE REVISED PUBLIC NOTICE IN 09/2018 THAT INCLUDED CHANGING THE DESIGN TO ARTERIAL AND THE ADDITION OF INTERSECTIONS ON PHASE 2. THIS LATER BA NOWHERE REFERS TO THOSE CHANGES. AND THE EXISTENCE OF 11 WOODSTORK COLONIES REPORTED FORAGING DURING ANY PARTICULAR YEAR IN THE 12,822-ACRE ACTION AREA, MEANS THAT THE USFWS MUST NOW IN 2019 REQUIRE A NEW UPDATED WOODSTORK SURVEY WITH ONSITE GROUND-TRUTHING FOR ALL WOODSTORK SIGHTINGS ON, OR ADJACENT TO, THE ENTIRE 8.4-MILE ROW.

PASCO COUNTY FLORIDA

CARDNO, INC.

3905 CRESCENT PARK DR

RIVERVIEW, FLORIDA 33578

April 2016 (Revised November 2018)

This Biological Assessment is based on the 2012-2013 survey (with limited updates in 2016 and 2018) to account for changes in listing status (for the wood stork), changes in available data and scientific publications relevant to the biological assessment (for wood stork, Florida scrub-jay and eastern indigo snake), and changes in road design. This document presents the survey results based on survey methodologies that were approved by the USACE in 2012, including modifications made as a result of preliminary surveys that the USACE required as a first step in the survey process.

Survey Results

Within the Action Area, wetlands where wood storks and other wading birds were observed foraging are shown on Map 3-2. Table 3-2 summarizes by wetland the wading and water birds observed during the 3 helicopter flights by Cardno biologists. Wood storks were observed foraging or loafing in 12 wetlands during the flights (See Map 3-2), confirming the Action Area provides Suitable Foraging Habitat (SFH) for wood storks. A large aggregation of more than 75 wood storks was observed outside of the Action Area near the interchange of S.R. 52 and the Suncoast Parkway during the March and April 2013 flights. These birds were foraging in a manmade surface water management pond.

THAT WAS over 6 years Ago & is outdated info. USFWS Field Supervisor Dave HAWKA is in The Administrative Record stating Surveys over 3yrs. Old Are No good.

Effect Determination

Environmental Baseline Conditions

The Action Area contains approximately 12,822 acres of wetlands that may provide suitable foraging habitat (SFH) within the Core foraging Area (CFA) of 11 surrounding wood stork colonies during some portion of the year. Of this total, only approximately 25.99 acres are within the construction limits and likely to be affected by the project. The wetland acreage within the construction limits constitutes 0.3 percent of the wetland acreage within the Action Area. The acreage that may be impacted constitutes an order of magnitude smaller percentage of the potential foraging area within 15 miles of each colony.

All colonies whose CFA overlaps the Action Area are located in wetlands that are at least partially used as surface water management ponds. These ponds are largely surrounded by development and/or roadways. The ponds appear to be selected in part for reliably deep water under the nests which discourages potential predators on eggs and young such as snakes and raccoons.

3.1.5.3 NO LONGER true now in 2019 with the Additional 7 new intersections.

Cumulative Effects

Most wetlands along the Ridge Road Extension west of the Suncoast Parkway will remain in their current condition as they are already either fully built out or are on publicly owned conservation lands. East of the Suncoast Parkway future conditions are anticipated to change as intersections with the Ridge Road Extension will provide additional access to areas that are currently agricultural, accelerating future development. East of the CSX railway, most areas within the area potentially affected by the Ridge Road Extension are already partially developed, and the likely effect of the road will be to increase the rate at which they attain full build-out. Overall, there will be a shift from agricultural toward residential and commercial development.

Any development in the Action Area will be required to obtain an ERP prior to construction. The ERP program regulates virtually all alterations to the landscape, including all tidal and freshwater wetlands and other surface waters (including isolated wetlands) and uplands. The ERP addresses dredging and filling in wetlands and other surface waters, as well as stormwater runoff quality (i.e. stormwater treatment) and quantity (i.e. stormwater attenuation and flooding of other properties) including that resulting from alterations of uplands. This program regulates everything from construction of single-family residences in wetlands, commercial and large-scale developments, dredging and filling for any purpose in wetlands and other surface waters (including maintenance dredging), construction of roads located in uplands and wetlands, and construction of roads such as the Ridge Road Extension. Issuance of the ERP also constitutes state water quality certification or waiver thereto under Section 401 of the Clean Water Act, 33 U.S.C. 1341 and all federal actions are subject to Section 7 consultation with the USFWS.

AND AGAIN LATER:

These ERP requirements, which are in addition to USACE requirements to avoid, minimize, and mitigate for wetland impacts, are likely largely responsible for the observed increases in wood stork numbers which have occurred in the Tampa Bay ar Since any future development in the Action Area will have to meet these requirements adverse primary, secondary, or cumulative impacts to wood storks are not anticipated the trend of increased wood stork numbers can be anticipated to continue.

CARDNO ADMITS THE ERP REQUIREMENTS ARE in ADDITION TO & DO NOT SUPERCEDE Federal REQUIREMENTS.

SECTION A-5—THERE ARE NOW OTHER ACOE-DETERMINED (IN 2013) PRACTICABLE ALTERNATIVES THAT ARE LESS ENVIRONMENTALLY DAMAGING AND MORE OF A LEDPA THAN THE RRE. THEY ARE ALSO MORE AFFORDABLE TO THE APPLICANT AND MORE LIKELY TO ACHIEVE THE PROJECT PURPOSE TO GO EAST TO US 41.

COMMENT INSERT—THE SECTION 404(b)(1) GUIDELINES BELOW DO NOT ALLOW THE GRANTING OF A PERMIT THAT IS NOT THE LEDPA. THE RRE MOD 7A HAS INCREASED ITS DIRECT WETLAND IMPACTS SINCE 2011 FROM 28.5 ACRES TO NOW IN 2019 37.38 ACRES. THERE ARE ADDITIONAL DIRECT WETLAND IMPACTS THAT HAVE NEVER BEEN IDENTIFIED NOR QUALTIFIED ON THE 35-ACRE MIXED USE PARCEL. AND THE 2015 ALTERNATIVES ANALYSIS SHOWS 245.3 ACRES OF INDIRECT IMPACT, WITH 207 ACRES MOL MORE TO BE ADDED NOW THAT THE ACOE-REQUIRED CUMULATIVE AND INDIRECT (SECONDARY) IMPACT ANALYSIS ON PHASE 2 FROM THE NEW INTERSECTIONS HAS BEEN SUBMITTED TO THE ACOE IN 06/2019. THAT EQUALS MORE THAN 450 ACRES OF INDIRECT IMPACTS. SUCH A LARGE AMOUNT OF IMPACT WILL DEFINITELY RESULT, AS STATED ABOVE, IN "...significant degradation of waters of the United States..."

HOW CAN THE RRE MOD 7A, NOW IN 2019, BE EVEN REMOTELY CONSIDERED AS A "PRELIMINARY" LEDPA?

https://www.lrl.usace.army.mil/Portals/64/docs/regulatory/Permitting/PermittingProcessInformation.pdf

U.S. Army Corps of Engineers Permitting Process Information

Section 404(b)(1) Guidelines

The Section 404(b)(1) guidelines also require the following determinations: (1) the project is the least environmentally damaging practicable alternative...

COMMENT INSERT—THERE EXIST NOW IN 2019 OTHER ALTERNATIVES THAT HAVE ALREADY BEEN DECIDED BY THE ACOE TO BE "PRACTICABLE." THAT DETERMINATION WAS MADE BY REGULATORY DIVISION CHIEF DONNIE KINARD IN THE AUGUST 8, 2013 LETTER TO PASCO COUNTY ALREADY IN THE ADMINISTRATIVE RECORD. THE SEMINAL PART OF THAT DETERMINATION IS BELOW.

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

Tampa Permits Section
SAJ-2011 -00551 (IP-TEH)
Ms. Georgianne Ratliff
Ratliff Consulting Group. LLC
11300 Suncreek Place
Tnmpn. FloridaJ3617
Mr. John Post, Jr.
Florida Department of Transportation
Plor1da 's Turnpike Enterprise
Post Office Box 613069
Ocoee. Florida 34 761
Dear Ms. Ratliff and Mr. Post:
August 8, 2013

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In summary. the alternatives that must be fully eva1ua(ed include: I) the no-action a1ternative; 9 2) the Ridge Road Extension alignments (60-60); J) improvements to (or construction of) SR-52, SR-.54. **Tower Road**, and Ridge Road Extension that combine to provide 4 additional/new lanes: 10 and 4l a fully elevated Ridge Road Extension through the Serenova Tract.

As the practicable alternatives have already been identified for this project, you may proceed with Step 5 ("Compare alterua1ives to identify which is the least Environmentally Damaging Alternative").

lf you have any additional questions or concerns. please contact Tracy I lurst at 813-769-7063, or by email a1. Tracy.E.Hurst@usace.am1y.mil.

Enclosure

Sincerely,

Donald W. Kinard
Chief~ Regulatory Division

SECTION A-6—THE PRE-AGREEMENT WITH THE CSX RR HAS NEVER BEEN SIGNED BY THEM, AND THE TWO REQUIRED BRIDGES WEST OF THEIR RR TRACKS HAVE NEVER BEEN APPROVED NOR THE PILINGS GEOTECHED. IF THOSE BRIDGE LOCATIONS HAVE TO BE MOVED, MORE DIRECT WETLAND IMPACTS IN THE VICINITY OF THOSE PROPOSED BRIDGES MAY RESULT.

COMMENT INSERT—A COMPLETE DISCUSSION OF THIS CSX RR BRIDGING ISSUE CAN BE FOUND IN PART 7B OF OUR PAST COMMENT # 31. THE BRIEF HIGHLIGHTED EMAIL BELOW WILL SERVE TO GIVE EVIDENCE THAT THIS IS YET ANOTHER OUTSTANDING ISSUE THAT PREVENTS ANY FINAL DECISION OTHER THAN A DENIAL, DUE TO THE FACT THAT THERE ARE WETLANDS ADJACENT TO THAT LOCATION THAT MAY, OR MAY NOT, BE IMPACTED IF THE BRIDGE DESIGNS ARE NOT APPROVED BY CSX.

From: Thomas Montgomery [mailto:Thomas.Montgomery@nv5.com]
Sent: Monday, August 07, 2017 10:41 AM
To: Sam Beneck
Subject: RE: CSX crossing for RRE

Sam

We need to be able to coordinate with CSX (or their consultants) on the preliminary bridge layout and design so that we don't get too far down the road and find out they have issues with the design concept. I'm not sure what type of agreement needs to be in place to allow that to occur.

Thanks
Tom

COMMENT INSERT-- SO, NO FINALIZATION OF THE LOCATIONS OF THE TWO CSX RR BRIDGES AND REQUIRED SOIL BORINGS FOR THE WESTERN HALVES OF THOSE BRIDGES CAN OCCUR WITHOUT THAT AGREEMENT. ONCE THAT WORK HAS BEEN DONE, ONLY THEN CAN THE EXTENT OF WETLAND IMPACTS IN THAT SPECIFIC AREA BE KNOWN. THERE EXIST A NUMBER OF REASONS WHY THE CSX RR MAY NOT APPROVE OF THOSE BRIDGE DESIGNS AND/OR LOCATIONS.

SECTION A-7—THE USFWS HAS STATED THAT NO ESA SECTION 7 FORMAL CONSULTATION CAN BE INITIATED WITHOUT A FINAL MITIGATION PLAN APPROVED BY THE ACOE AND EPA. NONE HAS EVER BEEN COMPLETED BECAUSE THE AGENCIES STILL DO NOT KNOW THE FULL EXTENT OF THE WETLAND IMPACTS.

COMMENT INSERT—BELOW ARE EXCERPTS FROM AN ATTACHMENT TO A SAM BENECK EMAIL ON 05/07/2018 REGARDING THE RRE STATUS.

APRIL 2018 STATUS REPORT AS AN ATTACHMENT

May 3, 2018
Mr. Shayne Hayes, Section Chief
Pensacola Pennits Section
US Army Corps Engineers, Jacksonville District
41 North Jefferson Street, Suite 301
Pensacola, FL 32502
Re: SAJ-2011-00551 (SP-TSH)
Subject: April 2018 Project Status Report

Dear Mr. Hayes:

The purpose of thjs letter is

The schedule incorporates the anticipated timeframe for resolution of USACE comments on the preliminary UMAM and subsequent resubmittal of the updated Final UMAM for Phases 1 and 2.
Once USACE approves the Final UMAM, the co-applicants will each submit a Mitigation Plan to USACE for review and preliminary approval. The current CPM schedule is showing Mitigation
Plan submittal to USACE in June 2018.

COMMENT INSERT—HOW CAN ANY FINAL UMAM AND MITIGATION PLAN MENTIONED ABOVE BE PROPOSED WHEN THIS COMMENT # 33 WILL PROVE THAT THERE ARE AS YET UNQUANTIFIED WETLAND IMPACTS, AS WELL AS UNSURVEYED POTENTIAL ADVERSE IMPACTS TO LISTED SPECIES AND THEIR HABITATS?

BELOW IS FROM THE ABOVE REFERENCED EMAIL RAGARDING THE USFWS REQUIREMENT THAT ALL IMPACTS AND MITIGATION BE IDENTIFIED, ASSESSED AND APPROVED BY THE ACOE AND EPA BEFORE ANY ESA FORMAL CONSULTATION.

In addition, the US Fish and Wildlife Service (USFWS) representative has requested that County and FTE Mitigation Plans, UMAM analysis and updated Biological Assessment (BA) be completed prior commencement of Section 7 ESA consultation. The CPM schedule will be updated once this schedule impact is better understood.

COMMENT INSERT--AND THE BELOW FEBRUARY AND MARCH 2018 STATUS REPORTS THAT PRECEEDED THE APRIL REPORT ABOVE ALSO REFERRED TO THAT USFWS REQUIREMENT:

US Fish and Wildlife Service (USFWS) representative has requested that County and FTE Mitigation Plans, UMAM analysis and updated Biological Assessment (BA) be completed prior to reinitiating Section

7 ESA consultation. This request may adversely impact the schedule for the completing Section 404 permit decision by USACE.

COMMENT INSERT—IN CONCLUSION TO THIS SECTION, IF NO MITIGATION DECISION BY THE ACOE AND EPA CAN BE FINALIZED UNTIL ALL WETLAND IMPACTS ARE ACCOUNTED FOR, AND SINCE ADDITIONAL WETLANDS ON THE PHASE 2 ROW MAY ALSO BE AFFECTED ONCE A 95 % - 100 % SURVEY IS DONE AND VERIFIED, AND ADDITIONAL AS YET UNREPORTED WETLAND IMPACTS ON THE MIXED USE PARCEL ARE QUANTIFIED, NO ESA SECTION 7 FORMAL CONSULTATION BETWEEN THE USFWS AND ACOE CAN HAPPEN WITHOUT THAT REQUIRED DATA AND APPROVED MITIGATION. THE USFWS HAS MADE THAT QUITE CLEAR IN THE ADMINISTRATIVE RECORD. IF FORMAL CONSULTATION HAS ALREADY BEEN INITIATED, IT MUST BE SUSPENDED UNTIL THE USFWS REQUIREMENTS HAVE BEEN MET.

PART B-- ALL PASCO'S CONSULTANTS FOR THE RRE, AS WELL AS THEN PENSACOLA SECTION CHIEF CLIF PAYNE, EXPRESSED CONCERNS REGARDING PASCO'S INTENT TO CHANGE THE RRE ON PHASE 2 FROM LIMITED ACCESS TO ARTERIAL, AND ADD UP TO 7 NEW INTERSECTIONS.

INTRODUCTION TO PART B

PART B EXPLAINS HOW THE CHANGES MADE TO PHASE 2 IN THE 09/2018 PN WERE UNILATERALLY OBJECTED TO FROM ALL OF THOSE INVOLVED IN THIS APPLICATION. THOSE CHANGES WOULD OPEN UP ALMOST 7,000 ACRES OF CURRENTLY AGRICULTURAL LANDS TO FULL ON/OFF ACCESS AND CAUSE ADDITIONAL CUMULATIVE AND INDIRECT WETLAND IMPACTS THAT WOULD RENDER THE RRE MOD 7A ONE OF THE MOST, AND NO LONGER THE 'PRELIMINARY' LEAST, ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE.

IN NOVEMBER OF 2017 ALL OF THE CONSULTANTS INVOLVED WITH ASSISTING PASCO COUNTY TO ACHIEVE THE RRE CWA 404 PERMIT AND, ACCORDING TO NV5'S PROJECT MANAGER TOM MONTGOMERY, EVEN JACKSONVILLE'S NORTH PERMITS BRANCH CHIEF CLIF PAYNE (FORMER PENSACOLA SECTION CHIEF STILL INVOLVED WITH THE RRE AT THIS WRITING) AGREED THAT PHASE 2 BE DROPPED ENTIRELY IF THE LANDS EAST OF THE SUNCOAST PARKWAY WERE TO BECOME A DEVELOPER PROJECT, AND IF THE PROPOSED RRE

WERE TO BE AMENDED FROM A LIMITED ACCESS TO AN ARTERIAL TYPE ROADWAY AND PROVIDE ACCESS FOR THAT PROJECT. ALL OF THOSE INVOLVED WERE FULLY AWARE THAT THE HUGE AMOUNT OF INCREASED CUMULATIVE AND INDIRECT IMPACTS, THAT WOULD RESULT FROM OPENING ALMOST 7,000 ACRES OF AGRICULTURAL LANDS EAST OF THE PARKWAY TO DEVELOPMENT, WOULD RESULT IN THE PROPOSED RRE BECOMING NOT THE LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE, BUT THE MOST DAMAGING, WHEN COMPARED TO OTHER ALTERNATIVES THAT HAD ALREADY BEEN DEEMED 'PRACTICABLE' BY THE ACOE, AND THAT WERE MORE LIKELY TO ACHIEVE THE ACOE-STATED PROJECT PURPOSE TO GO EAST TO US 41 BECAUSE THEY ARE MUCH LESS COSTLY TO PASCO COUNTY, WHO LACKS THE FUNDING NEEDED TO CONSTRUCT PHASE 2 OF THE MOD 7A.

EVIDENCE WILL BE PRESENTED HERE THAT WILL SHOW WHO THOSE INDIVIDUALS WERE. THEY INCLUDE:

DWIGHT BERANEK, DAWSON & ASSCOIATES

DAVE BARROWS, DAWSON & ASSCOIATES

TOM MONTGOMERY, NV5

SAM BENECK, PASCO'S PROJECT MANAGER

JACKSONVILLE'S NORTH PERMITS BRANCH CHIEF CLIF PAYNE WAS ALSO REPORTED BY TOM MONTGOMERY TO "...be pushing this..." (COMMENT INSERT—REFERS TO DROPPING OF PHASE 2)

FIVE MONTHS LATER IN MARCH OF 2018, AND JUST 5 MONTHS BEFORE THE PASCO COUNTY COMMISSIONERS ASKED THE ACOE TO AMEND THE PROPOSED PROJECT TO CHANGE THE RRE ON PHASE 2 FROM A LIMITED ACCESS TO AN ARTERIAL ROADWAY, PASCO PROJECT MANAGER SAM BENECK, IN AN 03/2018 EMAIL RESPONSE TO QUESTIONS FROM A PASCO CITIZEN (JOSH MCCART—TO BE CONSIDERED LATER IN THIS COMMENT), STATED THAT THERE WERE AT THAT TIME "...currently no plans..." TO CHANGE THE PROPOSED RRE TO AN ARTERIAL ROADWAY AND THE COUNTY "...does not plan to propose a different alternative..."

THE FIVE COUNTY COMMISSIONERS, IN THEIR RUSH TO ACCOMMODATE THE DEVELOPER LENNAR HOMES (AND METRO DEVELOPMENT CORPORATION), UNILATERALLY DECIDED TO GO AGAINST ALL OF THEIR PAID CONSULTANTS AND THE ACOE'S THEN PENSACOLA SECTION CHIEF, AND REQUEST THAT CHANGE. THAT DECISION REQUIRED A NEW/AMENDED PUBLIC NOTICE ON SEPTEMBER 25, 2018. IT WAS ISSUED BY THE NEW PENSACOLA SECTION CHIEF, APPOINTED 6/1/2017, TERRY 'SHAYNE' HAYES. IT STATED THAT "This public notice is being published primarily due to this change in status of Phase II."

SINCE IT DOES NOT NOW APPEAR THAT THIS PROPOSED RRE PROJECT HAS ANY CHANCE OF BEING APPROVED BY THE ACOE, EPA AND USFWS, IT SHOULD BE NOTED THAT THE ABOVE DECISION BY THE PASCO COUNTY COMMISSIONERS, TO GO AGAINST THE PROFESSIONAL ADVICE OF THEIR CONSULTANTS, THEIR OWN PROJECT MANAGER AND EVEN AN ACOE SECTION CHIEF (CLIF PAYNE), AND ALLOW FULL ACCESS TO SUCH A HUGE ALMOST 7,000 ACRE TRACT, WAS THE FINAL NAIL IN THE COFFIN OF THIS PROPOSED RRE PROJECT. THE PASCO COMMISSIONERS HAVE ONLY THEMSELVES TO BLAME.

<u>COMMENT INSERT</u>—BELOW ARE PASCO ENGINEERING SERVICES DIRECTOR MARGARET SMITH'S ACTUAL NOTES OF A PASCO TEAM CALL ON 11/28/2017 REGARDING THE SUGGESTION THAT PASCO REQUEST A CHANGE TO PHASE 2 OF THE RRE APPLICATION FROM LIMITED ACCESS TO ARTERIAL WITH INTERSECTIONS.

NOTE HOW EVERYONE INVOLVED WAS AGAINST THAT SUGGESTION, A SUGGESTION THE PASCO COMMISSIONERS DECIDED WAS IN THE BEST INTERESTS OF THE DEVELOPERS OF PROJECT ARTHUR.

THE LAST NAMES HAVE BEEN INSERTED IN RED IN PARENTHESES.

From: Margaret W. Smith
Sent: Tuesday, November 28, 2017 2:14 PM
To: Sam Beneck
Subject: FW: RRE Team call

My sloppy copy of notes taken yesterday.

Bottom line:

Dave's (Barrows) Gut: by elim ph II, and by doing improvements on SR 52, could model now that it is underway..

Challenge: Corp could deny everything....if the County is convinced that we need to allow development with addtl. Access points.

Dave: (Barrows) very concerned about cumulative effect...

Dwight: (Berenek) would effect cost too....

Need the traffic study....if not... how do we advise the board.

Sam's (Beneck) Chart:

Scenario 1: traffic numbers show: **Ph II (developer access)** no appreciated changes... Core will ask us to assume worst case....
If we go urban, we'll have impact on hurricane evacuation...(lower speeds, etc.) ponds would have to be larger...(less gradient)...

Dave: (Barrows) Corp would want us to anal worst case....permitting duration would ....Permitting 24 months (**sounds to me that we need to jettison ph II)**

Scenario 2: Jettison PH II....assuming traffic is workable...**this could be most feasible...Dave's Hunch**...if the county submits a mod...corp would hae to consider a couple of things...1. Would have to extend 5 year window... 2. Less impacts

"we cannot work with Bexley...we've run some new numbers...it would be favorable from hurricane evac and mobility (considering SR 52 improvements)..we are dropping ph II." We're fully expecting the Bexley's to come to the County to

Dwight...(Beranek) keeping phase II in is troublesome...looks more favorable to drop ph ii....Corp may feel better....

Dave....(Barrows) dropping ph ii will cause cannons to be pointed in a different direction...

Dave....(Barrows) the corp wanted a good strong record....
If the county keeps ph ii, with the expectation that it will be a developer project....it will take a lot more effort to strengthen their record for approval or denial.

Scenarion 3: Best Alternative:

If Traffic is degraded:

(Dwight) (Beranek) Lin says it would still come out with favorable results related to hurricane evac

Dave: (Barrows) most hurricane evac scenarios were east of the Suncoast....

Tom: (Montgomery) We're thinking of doing half of alt 7 and half of alt 8.... (Cliff (Payne) was even pushing this...).

Tom: (Montgomery) benefits....if we can drop ph ii, we'll save money later...

Sam: (Beneck) great thought....Divorce from developer is ideal...

David: (Barrows) We still require some acquisition of some Bexley property...yes

David: (Barrows) the Corp will be receptive to this change (dropping ph II) County published a 2035 use of property...if we don't have anything else, that's what the corp would use.

Traffic Study re-do...5-6 weeks...

[cid:image001.png@01D30D06.399C3620]<http://www.pascocountyfl.net/>

Margaret Smith, P.E.
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We would love your feedback! Please click here<http://fl-pascocounty.civicplus.com/FormCenter/County-Commissioners-25/Customer-Comment-Card-56> to be directed to our online comment card.

SECTION ON PASCO'S INTERNAL CONCERNS REGARDING ANY CHANGES TO PHASE 2 TO ADD INTERSECTIONS AND CHANGE THE ROADWAY DESIGN FROM LIMITED ACCESS TO ARTERIAL. THESE "CONCERNS" WERE EXPRESSED JUST 4 MONTHS BEFORE THE NEW 09/2018 PN WAS NOTICED.

COMMENT INSERT—THE READER SHOULD NOTE BELOW ALL OF THE "PROBLEMS" THAT CONSULTANT DAVE BARROWS OF DAWSON AND ASSOCIATES FORESAW IF THE PHASE 2 PORTION OF THE APPLICATION WERE TO BE CHANGED.

From: barrows@teleport.com [mailto:barrows@teleport.com]
Sent: Thursday, May 24, 2018 4:02 PM
To: 'Sam Beneck' <sbeneck@pascocountyfl.net>
Cc: 'Margaret W. Smith' <mwsmith@pascocountyfl.net>; 'Dwight Beranek' <dwight.beranek@gmail.com>; Thomas Montgomery <Thomas.Montgomery@nv5.com>; 'John Bailey' <John.Bailey@cardno.com>
Subject: RE: RRE - assessment from the Len-Angeline team

Thanks Sam. Appreciate the opportunity to review this assessment.

The Len-Angeline assessment is limited to the review of what was requested and provided by the County, and considered only a small portion on the administrative record. Even the project purpose statement has changed since the 2011 PN based on **the Corps determination of the overall project purpose and it does not afford greater weight to mobility over hurricane evacuation.**

I pulled excerpts from several documents that illustrate the **challenges** associated with **any potential modifications to the current permit application, especially if they included changes the limited access aspects of the proposed project.**

The first excerpt is from the USACE 2009 Standard Operating Procedures for Regulatory and addresses **when to require a new public notice or a new permit application.** Modifying the current permit application in a manner that changes the limited access commitment would **likely trigger one or the other. In my judgment, it is very unlikely that the Corps would rely on the 2011 public notice (PN) to meet its public involvement obligations.**

Next is an excerpt from the EPA 3(a) letter that it provided when commenting on the 2011 PN where it raises concerns regarding secondary and cumulative effects.

Also, I provided an excerpt of **the current statement of project purpose as determined by the Corps** and relied upon by the County when **preparing the Alternatives Analysis that was submitted to the Corps in 2015.**

I pulled three excerpts from the **2016 draft BA**, which **relied upon limited access to conclude no additional interrelated or interdependent impacts, future development is not dependent upon RRE, and no reasonably foreseeable impacts to conclude "no effect" on RCW.**

Lastly, I included **two excerpts from the 2013 Secondary and Cumulative Impacts Assessment that relied upon limited access support a determination that there are no growth inducing aspects associated with the RRE.**

While all of these challenges could be addressed in time, **it could require a new PN or new permit application, revising the AA, BA, and cumulative effects analysis.**

Thanks much…Dave

COMMENT INSERT—DAVE BARROWS ATTACHED TO THE ABOVE EMAIL THE FOLLOWING EXCERPTS REGARDING CUMULATIVE EFFECTS AND FEDERAL LAWS AND AGENCY GUIDELINES WITH REFERENCE TO MAJOR CHANGES TO CWA 404 APPLICATIONS. PROVIDING THIS INFORMATION WILL ALLOW THE READER TO MORE FULLY APPRECIATE THE HUGE HURDLES PASCO KNEW THEY WOULD HAVE TO TRY TO OVERCOME IF THEY WENT THROUGH WITH THEIR INTENT TO MAKE THE DRASTIC CHANGES TO PHASE 2. PASCO DID SO ANYWAY, IGNORING THE PROFESSIONAL ADVICE OF THEIR OWN PAID CONSULTANTS WHO KNEW MUCH MORE ABOUT THE FEDERAL REQUIREMENTS TO OBTAIN A CWA 404 PERMIT THAN ALL OF THE PASCO COMMISSIONERS AT THE DIAS COMBINED. MR. BARROWS' EXCERPTS BELOW CAME FROM THE FOLLOWING SOURCES, AS LISTED BY DAVE BARROWS. AS USUAL, THE MOST IMPORTANT INFORMATION HAS BEEN HIGHLIGHTED FOR EMPHASIS.

"Excerpts from Several Documents Regarding Cumulative Effects:"

"Excerpt for Corps Standard Operating Procedures (2009) regarding when to issue a new public notice or require a new permit application, p 13:"

"Excerpt from EPA 3(a) letter dated January 27, 2012, which was submitted as comments on the 2011 PN: "

"Excerpt from the Alternatives Analysis submitted to the Corps on April 14, 2015 stating the Corps determination of overall project purpose:"

"Excerpt from draft BA dated April 2016, p 2-11:"

"Excerpt from draft Cumulative and Secondary Impacts Analysis dated December 2013, p J 6:"
COMMENT INSERT—DAVE BARROWS' ACTUAL REFERENCES BEGIN BELOW.

Excerpt for Corps Standard Operating Procedures (2009) regarding when to issue a new public notice or require a new permit application, p 13:

If the applicant substantially modifies the project so that either the project or its reasonably foreseeable impacts to the aquatic environment are substantially

different from those described in the original public notice, then a new public notice may be appropriate or necessary for proper evaluation of the proposal. **Significant increases in the scope of a proposed activity should be processed as a new application in accordance with 33 CFR 325.2 (see 33 CFR 325.7(a)).**

Excerpt from EPA 3(a) letter dated January 27, 2012, which was submitted as comments on the 2011 PN:

"**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.**"

Excerpt from the Alternatives Analysis submitted to the Corps on April 14, 2015 stating the Corps determination of overall project purpose:

"**The overall Project Purpose as defined by the USACE on March 4, 2013, and as restated in an August 8, 2013 letter from the USACE to the applicants,** Footnote 1, is provided below:
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."
Excerpt from draft BA dated April 2016, p 2-11:

[Effects of the proposed action that must be considered include interrelated and interdependent actions. The FWS consultation regulation defines these effects in 50 CFR 402.2 Effects of Action as: "Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration". **The proposed Extension is a generally limited access roadway**

with an expected requirement of the USACE permit that no additional access points be permitted. The only access points are to existing areas of use that require access. **The proposed roadway** is critical for improved hurricane evacuation and to improve mobility within Pasco County, however it **would not result in providing access to properties that may be developed in the future** with the exception of one property east of the Suncoast Expressway. Access to all other properties that may be developed in the future could be obtained via existing roadways. The one development east of Suncoast Expressway that connects to the Extension will likely be constructed as planned only if the Extension is constructed. Therefore, **there are no additional interrelated or interdependent actions associated with this proposed roadway.**]

COMMENT INSERT—THERE CERTAINLY ARE NOW IN 08/2019.

Excerpt from draft BA dated April 2016, p 3-10:

"Based on a recent newspaper article, some of the agricultural land is for sale, so irrespective of the Extension, it may be developed within the next 25 years, lands further east and north and south along U.S. 41 are a mix of agriculture, residential and commercial development, or permitted for development. **None of this development is dependent on Ridge Road.** Ridge Road, however, will likely increase the rate of development and shorten the time until full build-out."

COMMENT INSERT—THAT 'DEVELOPMENT' IS NOW "DEPENDENT ON THE RIDGE ROAD."

Excerpt from draft BA dated April 2016, p 3-10:

[3.2.6 Conclusion

In the absence of other current, site-specific scientific and commercial data *in*dicating the presence of red cockaded woodpeckers within the Action Area, **and the lack of reasonably foreseeable cumulative effects, the proposed determination is that the Extension will have "No Effect" on RCWs."**]

COMMENT INSERT—PAGE 3-10 OF THE DRAFT BA DAVE BARROWS REFERRED TO ABOVE WAS THE WRONG PAGE NUMBER—IT IS SUPPOSED TO BE PAGE 3-20. AND THE RCW ISSUE DAVE

REFERRED TO MUST BE REASSESSED SINCE THOSE "FORESEEABLE FUTURE IMPACTS' HAVE NOW MATERIALIZED BY OPENING UP THE ACTION AREA EAST OF THE PARKWAY TO ACCESS. THE RRE WILL HAVE A MUCH GREATER DIRECT AND CUMULATIVE AND INDIRECT EFFECT ON THAT LISTED SPECIES . THAT EFFECT MUST BE DETERMINED WITH A NEW 2019 RCW SURVEY ON THAT HUGE TRACT OF AGRICULTURAL LAND.

AND THAT SAME EFFECT CAUSED BY THE OPENING UP OF PHASE 2 MAY BE MUCH WORSE FOR FLORIDA SCRUB JAYS. ON PAGE 3-26 OF PASCO'S APRIL 2016 REVISED BIOLOGICAL OPINION, THEY STATED THAT THERE WOULD BE NO "INTERRELATED & INDEPENDENT EFFECTS" ON THE SCRUB JAY, SINCE THE ACCOMPANYING MAP SHOWED NO SUITABLE HABITAT IN THE ONLY POTENTIAL DEVELOPMENT AT THAT TIME THAT "WILL BE ACCESSED FROM THE EXTENSION," REFERRING TO THE 35-ACRE MOL MIXED USE PARCEL THAT WAS AT THE INTERCHANGE. PASCO STATED THERE WAS NO "...FLORIDA SCRUB JAY HABITAT" PRESENT IN THAT AREA. BUT NOW, WITH NEW ACCESS TO ALL OF PHASE 2 DUE TO THE INTERSECTIONS, THAT SAME MAP SHOWS AN AREA FULL OF THAT "SUITABLE HABITAT" FOR THE SCRUB JAYS. A NEW UPDATED SURVEY FOR THE FLORIDA SCRUB JAY AND THEIR HABITAT MUST NOW BE REQUIRED.

Excerpt from draft Cumulative and Secondary Impacts Analysis dated December 2013, p J 6:

Future Condition

As with water bodies in most developing areas, it is difficult to predict future water quality conditions in the Pithlachascotee or Anclote rivers with great certainty. **However, the RRE is unlikely to significantly increase development in the area, as the RRE will be a limited access roadway** and all areas where the County proposes future development (see Maps, Future Land Use 2025), with the exception of a small commercial node at the RRE junction with the Suncoast Parkway, should develop with or without the construction of the RRE. **The RRE may increase the speed of development but will not cause it or increase its intensity.** Both the RRE location and current Florida regulations should act to minimize any potential impacts to water quality."

<u>COMMENT INSERT</u>—DAVE BARROWS' MADE REFERENCE TO A STATEMENT ABOVE THAT HE POINTED OUT WAS NO LONGER TRUE, NAMELY : "...the RRE is unlikely to significantly increase development in the area, as the RRE will be a limited access roadway..." SO, IF THE RRE WILL NOW "SIGNIFICANTLY INCREASE DEVELOPMENT" AS MR. BARROWS ADMITS ABOVE, THEN THE ADDITIONAL EFFECTS AND IMPACTS FROM THAT "INCREASE" MUST BE FULLY CONSIDERED BY THE FEDERAL REVIEW AGENCIES.

Excerpt from draft Cumulative and Secondary Impacts Analysis dated December 2013, p J 37 in the context of wildlife habitat:

"East of the Suncoast Parkway, there are no restrictions on land uses by the land owners except for those imposed by the County's future land use plan. The RRE, however, is not being built to encourage or facilitate losses of natural or agricultural lands. The RRE will be limited access, and no interchange is proposed other than the ones at the Suncoast Parkway and U.S. 41. **Thus, the RRE will not facilitate more intensive development of the lands along the roadway**, though it cannot prevent the development that will occur regardless of the existence of the roadway."

COMMENT INSERT—THAT HIGHLIGHTED STATEMENT ABOVE IS ALSO NO LONGER TRUE. THIS IS THE END OF THE ATTACHMENT BY DAVE BARROWS.

COMMENT INSERT—IN THE BELOW 5/25/2018 EMAIL, FROM TOM MONTGOMERY TO THEN PASCO'S TRANSPORTATION ENGINEER ALI ATEFI, TOM STATES THAT CHANGING BRIDGES TO INTERSECTIONS AT TWO LOCATIONS ON PHASE 2 (SUNLAKE BLVD. & ASBEL ROAD)
"...WOULD not be consistent with the project purpose, a significant change to the project" AND WOULD ALSO CONFLICT WITH THE COUNTY'S CURRENT LRTP.

Ali,
I understand we are updating the LRTP. The language for RRE regarding Sunlake and Asbel needs to be modified as overpasses are no longer at those intersections.
"It may also be important to note that the project purpose says "in accordance with the County's current ...Long Range Transportation Plan." **The current LRTP shows overpasses (not interchanges or intersections) at both the future Sunlake and Asbel north-south roadway crossings. Providing connections at these locations would not be consistent with the project purpose, a significant change to the project."**

Tom

COMMENT INSERT--NV5'S PROJECT MANAGER NOTES ABOVE THAT THE PROJECT PURPOSE WAS TO PROVIDE ADDITIONAL TRAFFIC FLOW AND EVACUATION OPPORTUNITIES EAST TO US 41. IT WAS NOT SUPPOSED TO FACILITATE DEVELOPMENT IN THE ACTION AREA WITH NUMEROUS INTERSECTIONS. NOW IT WILL, THEREBY MAKING IT "NOT CONSISTENT" WITH THE COUNTY'S LRTP. THE NEXT UPDATE TO THE LRTP IS SCHEDULED FOR LATE DECEMBER 2019. IF THAT LRTP UPDATE DOES NOT RECTIFY THE RRE'S PROJECT PURPOSE, AND THE

PROJECT PURPOSE REMAINS "NOT CONSISTENT," THEN NO CWA 404 PERMIT CAN BE GRANTED.

<u>COMMENT INSERT</u>—SAM BENECK STATES IN AN EMAIL BELOW DATED 5/25/2018, THAT COUNTY ADMINISTRATOR DAN BILES HAD EXPRESSED IN A MEETING THAT SIGNIFICANT "DELAYS" WOULD RESULT IF THE ACCESS TO PHASE 2 WERE TO BE CHANGED.

FROM SAM BENECK—5-25-2018:

CC'D TO TO BARANEK, BARROWS MONTGOMERY, SMITH & BAILEY

Yes, please. After meeting with Dan yesterday he understands that this group believes changing the access to phase 2 would result in significant updates and delay. I think that is what he believes as well, or at least he knows it to be a strong possibility.

Thanks for the review.

<u>SECTION CONTAINING NUMEROUS DAWSON & ASSOCIATES STATUS REPORTS CHRONICLING ALL OF THE PROBLEMS PASCO KNEW WOULD BE ASSOCIATED WITH REQUESTING ADDITIONAL ACCESS TO PHASE 2.</u>

<u>COMMENT INSERT</u>—EXCERPTS FROM DAWSON'S 2017 AND 2018 STATUS REPORTS.

DAWSON & ASSOCIATES

August 21, 2017

Pasco County/Florida Turnpike Enterprise Ridge Road Extension
Monthly Status Report
August 2017 (DRAFT)

Bexley Group Coordination: Coordination with the owners of the private land east of the Suncoast and west of the CSX Railroad (referred to as the Bexley Group) has

recently come to a **standstill. Two months passed without e-mails or calls being answered** which has resulted in a delay in the completion of field work and has prevented any progress on ROW acquisition.

<u>COMMENT INSERT</u>—THE ABOVE STATUS REPORT WAS WRITTEN AUGUST 25, 2017. BUT THE DAWSON NOVEMBER 2017 REPORT 3 MONTHS LATER (SEE BELOW) SAYS THAT PASCO IS "CONTINUING COORDINATION" WITH PROPERTY OWNERS. THE ONLY PROPERTY OWNERS EAST OF THE PARKWAY TO THE CSX RR TRACKS IN 2017 WERE THE BEXLEY FAMILY. FUTHERMORE, THERE WAS NO "COORDINATION" WHATSOEVER SINCE SAM BENECK ABOVE SAID IT HAD ALL COME TO A "STANDSTILL" AS OF AUGUST 2017. IT APPEARS THAT PASCO AND THEIR CONSULTANTS HAVE BEEN "STRINGING ALONG" THE FEDERAL REVIEWING AGENCIES FOR YEARS BY IMPLYING THAT NEGOTIATIONS ARE PROCEEDING TO GAIN ACCESS TO PHASE 2, WHEN IN TRUTH THEY HAVE BEEN, AS PASCO'S PROJECT MANAGER SAM BENECK STATED ABOVE, AT A "STANDSTILL."

THE FOLLOWING SECTION CONTAINS MORE EXCERPTS FROM THE DAWSON & ASSOCIATES MONTHLY STATUS REPORTS TO THE ACOE. IT PROVIDES EVIDENCE THAT DAWSON & PASCO BOTH REALIZE THAT ON-SITE ACCESS IS REQUIRED TO ADEQUATELY RESPOND TO THE ACOE'S MAY 11, 2017 RAI, TO PERFORM ENVIRONMENTAL STUDIES, DETERMINE THE TOTAL NUMBER OF IMPACTS SO THAT A MITIGATION PLAN CAN BE FINALIZED, AND TO ACCOMPLISH THE REQUIRED GEO-TECHNICAL DESIGNS AND BORINGS FOR THE BRIDGE PILINGS. THE IMPLIED CONCLUSION IS THAT WITH NO ACCESS, THERE IS NO POSSIBILITY OF FULFILLING THE REQUIREMENTS NEEDED FOR A CWA 404 PERMIT.

<u>COMMENT INSERT</u>—NONE OF THE REQUIRED FIELD WORK THAT PASCO'S CONSULTANTS REFER TO BELOW, INCLUDING UMAM ASSESSMENTS AND GEOTECHNICAL WORK NEEDED FOR THE BRIDGING, HAS EVER BEEN ACCOMPLISHED. THEY STATE THAT THE LACK OF THAT DATA IS:

> "…resulting in delays in the completion of the UMAM analysis and subsequently to the permitting process."

THIS HAS BEEN GOING ON SINCE 2016, ALMOST 3 YEARS. HOW LONG WILL THE FEDERAL AGENCIES ALLOW THIS TO CONTINUE? IT IS A CRIME AGAINST UNPAID PUBLIC COMMENTERS WHO MUST CONTINUALLY ENGAGE IN COMMENTING TO AN APPLICATION THAT IS NOW 21 YEARS OLD AND SEEMINGLY WILL NEVER HAVE ANY FINALITY.

PERHAPS THE FEDERAL JUDICIARY, IF AND WHEN THEY GET INVOLVED, WILL SEE THAT FACT STATED ABOVE AS A VIOLATION OF THE PUBLIC COMMENTING REQUIREMENTS IN THE CWA AND NEPA.

IN THE BELOW 09/2017 STATUS REPORT, DAWSON & ASSCOCIATES STATE THAT THE COUNTY HAD "...begun discussions with property owners in the Phase II section of the RRE project." IN 2017 THE BEXLEY FAMILY STILL OWNED ALL OF THE ALMOST 7,000 ACRES OF RANCHLAND EAST OF THE PARKWAY TO THE CSX RR TRACKS. FOR THE PAST TWO YEARS SINCE THEN, THOSE "discussions with property owners" HAVE NOT ACHIEVED ANY ACCESS FOR PASCO COUNTY ON THAT RANCHLAND TO FULFILL THE ACOE'S REQUIREMENTS.

SEPTEMBER 2017 STATUS

Pasco County/Florida Turnpike Enterprise Ridge Road Extension
Monthly Status Report
September 2017

The co-applicants continue to compile information required to comply with the May 11, 2017 USACE Request for Additional Information (RAI). The RAI outlines additional environmental studies, detailed RRE roadway line and grade and bridge type and size design (BTSR), wetlands functional assessments, mitigation information, and other submissions consistent with the USACE preliminary LEDPA roadway alignment. **Partially completed studies and reports are routinely forwarded to USACE for its review and feedback to help ensure final submittals are fully responsive to the RAI.**

COMMENT INSERT—THE SEEMINGLY NEVER ENDING "PARTIAL" COMPLETIONS AND "INCREMENTAL SUBMITTALS" ISSUE IS A VIOLATION OF THE ACOE'S OWN GUIDELINES AT:

https://www.nap.edu/read/10134/chapter/18

THOSE GUIDELINES REQUIRE THAT THE ACOE NOT ACCEPT SUCH PARTIAL INFORMATION OVER AN EXTENDED PERIOD OF TIME BECAUSE IT MAKES THE APPLICATION REVIEW, IN THE ACTUAL WORDS OF THOSE GUIDELINES BELOW, "*UNMANAGEABLE*."

Appendix G

Army Corps of Engineers Standard Operating Procedures for the Regulatory Program

ON PAGE 251:

11. Permit Evaluation/Public Hearings.

The Corps is the Decision-maker. Always remember that the Corps is in charge of the Regulatory Program and is responsible and accountable for all aspects of the decision as well as the quality and efficiency of its administration. This is particularly true for projects that generate considerable controversy and/or comments from other Federal, State, local environmental agencies and the public.

PAGE 252:

Evaluating the Applicant's Response.

The Corps must determine the adequacy of the applicant's response.

In most cases, applicants are cooperative. **However, if necessary, advise the applicant that if the required information is not provided, the Corps will withdraw the permit application. Do not allow projects to become unmanageable by accepting a series of partial responses.** The Corps must have sufficient information to make and substantiate a decision on the permit application.

COMMENT INSERT—AS CITED ABOVE, THE OPTION OF WITHDRAWING THIS APPLICATION BY THE ACOE HAS BEEN EXERCISED TWICE ALREADY. AFTER 21 YEARS, THE ACOE HAS VIOLATED THEIR OWN GUIDELINES ABOVE AND ALLOWED THIS APPLICATION TO BECOME "unmanageable."

CONTINUING WITH THE SEPTEMBER 2017 STATUS REPORT:

Detailed environmental field work in the Phase I section will commence in late September. **The County staff has begun discussions with property owners in the Phase II section of the RRE project. These discussions will focus on Right of Way (ROW) acquisition and access for detailed environmental studies that may be required.** Referring to the attached September 20, 2017 CPM schedule, the status of current activities follows:

• Activity 22, Prepare Preliminary UMAM is underway with access coordination and data collection presently ongoing. Actual field work will commence the week of September 25, 2017 for the Phase I section. **Field work on the Phase II section is dependent on received access authority from property owners.**

COMMENT INSERT—DWIGHT BERANEK ABOVE IN SEPTEMBER 2017 STATED THAT DISCUSSIONS HAD BEGUN WITH THE BEXLEY FAMILY. THEY HAVE PROVEN UNPRODUCTIVE AND HAVE GONE NOWHERE TO THIS DAY IN AUGUST 2019. AND THE REQUIRED "FIELD WORK" HE MENTIONS HAS ALSO NEVER BEEN ACCOMPLISHED.

NEXT STEPS

The County will continue coordination with SWFWMD (Phase I) and property owners (Suncoast interchange and Phase II) to perform field work necessary for detailed environmental studies. These studies are necessary input to the preliminary County and FTE combined compensatory mitigation plan. The co-applicants will continue their detailed work to respond to the USACE May 11, 2017 RAI.

Submitted by:
Dwight Beranek, P.E
Senior Advisor
Dawson & Associates

COMMENT INSERT—MR. BERANEK ADMITS ABOVE THAT ON-SITE AND FIELD VERIFIED "STUDIES" ARE A "...necessary input to the preliminary County and FTE combined compensatory mitigation plan." IF THAT MITIGATION PLAN CANNOT BE ACHIEVED, THEN NO SECTION 7 FORMAL CONSULTATION CAN EVER HAPPEN BETWEEN THE ACOE AND USFWS.

COMMENT INSERT—EXCERPTS FROM THE FIVE ADDITIONAL STATUS REPORTS BELOW ALL SHOW THE SAME REPETITIOUS REFERENCES TO NO ACCESS TO PHASE 2 AND THE CONTINUING UNFULFILLED NEED TO COMPLETE THE REQUIRED FIELD WORK. THEN, IN SEPTEMBER 2018, THE CONSULTANT'S STATUS REPORTS STOP MAKING REFERENCE TO THE LACK OF ACCESS ISSUE.

OCTOBER 2017 STATUS

Lack of access to property between the Suncoast and the railroad continues to prevent completion of field work adjacent to the FTE right-of-way and Phase II areas. The inability to complete the field work for this critical path activity is causing a day for day delay in the scheduled completion of the project...yet getting access to the properties East of the Suncoast Parkway and completing the preliminary UMAM work there remains a high priority activity.

As stated above access to property between the Suncoast and the railroad continues to prevent completion of field work in that area.

November 2017

The County continues discussions with property owners (principally the Bexley family) at the Suncoast Parkway interchange and Phase II section for access to their properties to complete detailed environmental studies (UMAM) and geotechnical design work. Completion of this task remains unclear resulting in delays in the completion of the UMAM analysis and subsequently to the permitting process.

The County has directed that the UMAM analysis for these sections be completed using data currently available (i.e. without on-site access) to submit the completed UMAM analysis to USACE in a timelier manner.

General: **The schedule update is based on moving forward with completion of the UMAM for Phase 2 without access to the Bexley property**.

2) Activity 47, **Preliminary Geotech for Bridges: All field work for areas west of Suncoast has been completed (borings for 15 of 19 bridges on project are complete). Field work for the four remaining bridges in Phase 2 of the project is on hold until resolution of access to the Bexley property.**

<u>COMMENT INSERT</u>—BOTH THE MARCH AND APRIL 2018 DAWSON & ASSOCIATES STATUS REPORTS BELOW TO THE ACOE INCLUDE THE USUAL REFERENCES TO THE CONTINUED "CONSULTATIONS" AND "DISCUSSIONS" WITH THE LANDOWNERS "...to resolve questions related to the ROW east of the Suncoast Parkway."

March 2018

The County continues to consult with property owners on lands east of the Suncoast Parkway. The results of these discussions will be formulated into the response to the relevant sections of the May 11, 2017 USACE RAI.

APRIL 2018 STATUS

The current anticipated date for a USACE permit decision has moved to February 26, 2019.

The County continues to consult with property owners on lands east of the Suncoast Parkway. The results of these discussions will be formulated into the response to the relevant sections of the May 11, 2017 USACE RAI.

NEXT STEPS

The County will attempt to resolve questions related to the ROW east of the Suncoast Parkway in the near future.

<u>COMMENT INSERT</u>—THE READER WILL NOTE THAT FIVE MONTHS LATER IN THE 09/2018 STATUS REPORT BELOW, THERE IS NO LONGER ANY MENTION OF ANY "...COORDINATION with property owners east of the Suncoast Parkway to achieve agreements required to advance permit activities in these sections."

SEPTEMBER 2018 STATUS

USACE issued a new Public Notice on September 25, 2018 which included the modified design intent. USACE may request the co-applicants update some data from the April 2015 alternatives analysis (and review the preliminary LEDPA determination, as needed).

NEXT STEPS

USACE will collect and evaluate comments received during the 30-day Public Notice comment period. USACE may request further analysis and data from the co-applicants based upon the public and agency comments and other information that may be needed to make a final permit decision. USACE will complete its review of the UMAM data provided by the co-applicants. In addition, USACE will review the County and FTE Mitigation Plans. Review comments are expected to follow. The co-applicants will continue work on current tasks and plan for those expected from the modified design intent for Phase II and will continue their detailed work to respond to the USACE May 11, 2017 RAI.

Submitted by: Dwight Beranek, P.E Senior Advisor Dawson & Associates Attachments: - USACE Flow Chart dated September 5, 2018 - Project CPM dated September 11, 2018 CF: Margaret Smith Sam Beneck Martin Horwitz Dave Barrows Rick Capka Tom Montgomery Steve Lewis Colleen Kruk

<u>COMMENT INSERT</u>—THE THREE EMAILS BELOW ARE BETWEEN ACOE'S PROJECT MANAGER SHAYNE HAYES AND CARDNO'S PROJECT SCIENTIST JOHN BAILEY. THEY SHOW THAT THE UMAM DETERMINATIONS NEEDED TO ASSESS LOST WETLAND VALUE UNITS, IN ORDER TO DETERMINE MITIGATION FOR THOSE LOST UNITS, COULD NOT BE COMPLETED IN 2017. THEY HAVE NOT BEEN COMPLETED NOW IN 08/2019 EITHER. THIS PERMIT REVIEW IS AT A DEAD END AND MUST BE CONCLUDED.

ON SEPTEMBER 20, 2017 CARDNO'S JOHN BAILEY STATES THAT "...We do not have access to the Bexley portion of the project at this time, and it looks like it may be awhile before we do. We have previous scoring for the Bexley wetlands, but we do not have the full blow Part 1 and Part 2 forms."

ON OCTOBER 26 SHAYNE HAYES REPLIES THAT "…. Honestly, I don't think I have very much on UMAM."

ON OCTOBER 30 JOHN BAILEY STATES THAT "… it sounds like we cannot finish the UMAM for Bexley without additional field work."

CARDNO

-----Original Message-----
From: John Bailey [mailto:John.Bailey@cardno.com]
2
Sent: Wednesday, **September 20, 2017** 9:35 AM
To: Hayes, Terry S (Shayne) CIV USARMY CESAJ (US) <Terry.S.Hayes@usace.army.mil>
Cc: Dwight Beranek (dwight.beranek@gmail.com) <dwight.beranek@gmail.com>; Dave Barrows (barrows@teleport.com) <barrows@teleport.com>; Shirley Denton <Shirley.Denton@cardno.com>; Thomas Montgomery <Thomas.Montgomery@nv5.com>; Sam Beneck sbeneck@pascocountyfl.net

Subject: [EXTERNAL] RE: SAJ-2011-00551 Pasco County / Ridge Road Extension - Bexley Wetlands

Good Morning Shayne,

We are preparing the Ridge Road UMAM analysis. **We do not have access to the Bexley portion of the project at this time, and it looks like it may be awhile before we do. We have previous scoring for the Bexley wetlands, but we do not have the full blow Part 1 and Part 2 forms.** Would you be willing to provide us with any notes for these areas that you may have from our November 2016 field review? Anything you have would help. Thanks.

John Bailey, PWS
PROJECT SCIENTIST
NATURAL RESOURCES & HEALTH SCIENCES DIVISION CARDNO Direct +1 813 257 0008 Mobile +1 813 625 5040 Address
3905 Crescent Park Drive, Riverview, FL 33578 Email john.bailey@cardno.com
CLASSIFICATION: UNCLASSIFIED

AND

-----Original Message-----
From: Hayes, Terry S (Shayne) CIV USARMY CESAJ (US) [mailto:Terry.S.Hayes@usace.army.mil]
Sent: Thursday, **October 26, 2017** 9:55 AM
To: John Bailey <John.Bailey@cardno.com>
Cc: Dwight Beranek (dwight.beranek@gmail.com) <dwight.beranek@gmail.com>; Dave Barrows (barrows@teleport.com) <barrows@teleport.com>; Shirley Denton <Shirley.Denton@cardno.com>; Thomas Montgomery <Thomas.Montgomery@nv5.com>; Sam Beneck <sbeneck@pascocountyfl.net>
Subject: RE: SAJ-2011-00551 Pasco County / Ridge Road Extension - Bexley Wetlands (UNCLASSIFIED)
CLASSIFICATION: UNCLASSIFIED

John,

I've been meaning to respond to this request. **Honestly, I don't think I have very much on UMAM.** I did discuss UMAM with Shirley at a couple of locations, but I did not take extensive notes at every location. I will try to locate my notes today and let you know what I find.

V/r,
Shayne

AND

Hayes, Terry S (Shayne) CIV USARMY CESAJ (US)

From: John Bailey <John.Bailey@cardno.com>
Sent: Monday, October 30, 2017 9:33 AM
To: Hayes, Terry S (Shayne) CIV USARMY CESAJ (US)
Cc: Dwight Beranek (dwight.beranek@gmail.com); Dave Barrows (barrows@teleport.com); Shirley Denton; Thomas Montgomery; Sam Beneck
Subject: [EXTERNAL] RE: SAJ-2011-00551 Pasco County / Ridge Road Extension - Bexley Wetlands (UNCLASSIFIED)

Thanks Shane. I was out all last week. I am in the process of finishing up the UMAM Part I and II forms for everything west of the Suncoast. Anything you have would help, but **it sounds like we cannot finish the UMAM for Bexley without additional field work.**
John Bailey, PWS
PROJECT SCIENTIST
NATURAL RESOURCES & HEALTH SCIENCES DIVISION

<u>COMMENT INSERT</u>—BELOW IS AN EMAIL FROM TOM MONTGOMERY TO PASCO'S SAM BENECK PROVIDING EVIDENCE THAT IN JUNE OF 2017 PASCO HAD ONCE AGAIN REQUESTED ACCESS FROM THE BEXLEY FAMILY. NONE WAS EVER GRANTED.

TOM MONTGOMERY---6-16-2017—SAM BENECK

Sam

We are nearly ready for both the survey and the UMAM field review work to commence. Not long after that the geotech field work will need to commence. Per the scope, the County will provide for access to privately owned lands and we are to provide a written request to access privately owned lands. **Please consider this message our request to enter both the Bexley and Scheublein property.** Let us know if there are any items the County will need from us to arrange for access by our team.

Also, please let us know how the County would like to handle coordination of access on the Serenova Preserve (coord with SWFWMD directly or by/through the County).

Thanks
Tom

Tom Montgomery, P.E. | NVS
1713 S. Kings Avenue | Brandon, FL 33511 | P: 813.988.1882

COMMENT INSERT—THE UPSHOT TO ALL OF THE ABOVE WARNINGS IN PAST EMAILS AND STATUS REPORTS IS THAT THEY SHOW NUMEROUS CONCERNS EXPRESSED BY PASCO'S CONSULTANTS AND THE COUNTY ADMINISTRATOR REGARDING THE PROPOSED CHANGES TO PHASE 2. IT ALSO SHOWS THAT THE PASCO COMMISSIONERS HAD BEEN AMPLY FOREWARNED OF THE COMPLICATIONS THAT WOULD BE CAUSED BY MAKING THESE CHANGES TO PHASE 2. THOSE COMMISSIONERS AND THE COUNTY ADMINISTRATOR DISREGARDED ALL OF THOSE WARNINGS.

SECTION ON THE EXTENSIVE REQUIREMENTS FOR A CWA 404 PERMIT THAT REQUIRE ON-SITE ACCESS AND FOR WHICH PASCO HAS AWARDED AN ADDITIONAL $4.67 MILLION TO GIVE TO THEIR CONSULTANTS.

COMMENT INSERT—IN JUNE OF 2017 THE PASCO COUNTY COMMISSIONERS ALLOCATED $4.67 MILLION MORE FOR THE STILL OUTSTANDING WORK NEEDED TO COMPLETE THE REQUIREMENTS FOR A CWA 404 PERMIT. OVER TWO YEARS LATER NOW IN 08/2019 MOST OF THAT WORK ON PHASE 2 HAS STILL NOT BEEN DONE DUE TO NO ACCESS.

IF THE FEDERAL JUDICIARY GETS INVOLVED WITH THIS APPLICATION, THEN THEY SHOULD BE AWARE THAT THE ACOE IS GIVING THE APPLICANT TOO MUCH LATITUDE, TOO MUCH "WIGGLE ROOM," AND IT IS BECOMING MORE AND MORE EVIDENT THAT THE ACOE IS "CATERING TO" THE APPLICANT AND TOTALLY DISREGARDING PUBLIC COMMENTERS WHO HAVE HAD TO STAY ENGAGED, WITH NO MONETARY RECOMPENSE, FOR NOW 21 YEARS.

THE PURPOSE OF HIGHLIGHTING BELOW PASCO'S CHANGE ORDER # 17 IS TO SHOW THE FEDERAL REVIEW AGENCIES HOW PASCO IS FULLY AWARE OF THE FACT THAT THERE ARE ON-SITE AND GROUND-TRUTHING ACTIVITIES THAT MUST BE ACCOMPLISHED BEFORE ANY CWA 404 PERMIT IS POSSIBLE. AND PASCO IS HAMSTRUNG BY THE FACT THAT THEY HAVE NO ACCESS TO A LARGE PORTION OF THE ACTION AREA AND THOSE TASKS CANNOT BE DONE.

http://pasco.siretechnologies.com/Sirepub/cache/2/vwmrw2fe5vehrshywhgp2kyv/157441608182019025359489.PDF

GO TO THE SECOND ATTACHMENT, PAGE 2 TO ACCESS THE BELOW INFORMATION.

BOARD OF COUNTY COMMISSIONERS
AGENDA MEMORANDUM

COMMISSION DISTRICT: 2 and 4 **FILE NO.**: PMA17-148 **DATE**: 6/30/17

SUBJECT: Change Order No. 17 to the General Professional Services Agreement and Related Budge Amendments – NV5, Inc. – Ridge Road Extension Design and Permitting – $4,697,499.00

REFERENCE: Work Order No. C6686.20

THE ENTIRE PARAGRAPH ON PAGE 2 IS BELOW. SEMINAL EXCERPTS FROM THAT PARAGRAPH IMMEDIATELY FOLLOW.

Change Order No. 17 to the General Professional Services Agreement for the Ridge Road Extension project is now being presented to the BCC for approval. This change order is required as a result of the selection of the "Modified Alternative 7" alignment as the Apparent LEDPA by the USACE. Although this is consistent with the Alternatives Analysis that had been prepared by the County, the original concept for which construction plans were prepared is significantly different. The "Modified Alternative 7" alignment includes substantial bridging of environmentally sensitive areas which had not been contemplated when the previous construction plans were prepared. In addition to the design of these structures, existing drainage plans and permits must be modified to account for the new roadway elevation as a result of the bridges, additional geotechnical investigation and survey are required to ensure that the bridge structures are adequately designed, and all other elements of the previously prepared construction plans must be updated to reflect the changes required by the new roadway concept. Finally, the environmental impacts which cannot be avoided must be quantified so that adequate mitigation can be provided. These activities will be coordinated with the USACE and the plans will be reviewed to ensure their concurrence before the USACE will issue a permit for the roadway construction. This Change Order provides a modification to the existing Scope of Services to allow for these activities, a modification to the Fee Summary increasing funding to provide compensation to NV5, and a time extension to extend the contract through August of 2018 to allow for completion of all activities. A schedule of activities is attached which anticipates issuance of a permit by the USACE and completion of the construction plans in late June and early July, 2018 respectively. This change order was not budgeted as part of the original Fiscal Year 2017 adopted budget; therefore, a budget amendment is needed in order to process the change order. Sufficient funds currently exist within the Tax Increment Financing Fund Reserves to transfer the funds to the Capital Project Fund to cover the cost of the change order.

<u>COMMENT INSERT</u>—BELOW ARE EXCERPTS FROM THE ABOVE PARAGRAPH.

Change Order No. 17 to the General Professional Services Agreement for the Ridge Road Extension project is now being presented to the BCC for approval. This change order is required as a result of the selection of the "Modified Alternative 7" alignment as the Apparent LEDPA by the USACE.

<u>COMMENT INSERT</u>—THE 06/2017 CHANGE ORDER # 17 REFERRED TO ABOVE HAPPENED AS A RESULT OF THE ADDITION AT THAT TIME OF THE "MODIFIED ALTERNATIVE 7" WITH THE NEW BRIDGING ON PHASE 1. THE COUNTY STATED ABOVE THAT THE ADDITION OF THOSE BRIDGES, RESULTING IN THE SELECTION OF THAT ALTERNATIVE AS THE "APPARENT LEDPA," REQUIRED ALL OF THE NOW NEW TASKS THAT CARDNO WOULD NEED TO COMPLETE FOR $4.67 MILLION SO THAT THE USACE COULD MAKE A FINAL DECISION. HOW IS THAT DIFFERENT FROM THE NOW ADDITIONAL REQUEST BY PASCO COUNTY, AS PER THE 09/2018 PUBLIC NOTICE, TO REMOVE THE BRIDGING FROM SOME OF PHASE 2 AND ADD NEW

INTERSECTIONS? THE SAME GEOTECHNICAL, WETLAND CONDITION ASSESSMENTS AND ENVIRONMENTAL IMPACTS, BOTH DIRECT AND INDIRECT, MUST ALSO BE REASSESSED AND RESURVEYED NOW IN 2019, JUST AS THEY WERE IN CHANGE ORDER # 17 IN 6/30/2017.

THE POINT IS ALSO MADE THAT "...ENVIRONMENTAL IMPACTS...MUST BE QUANTIFIED SO THAT ADEQUATE MITIGATION CAN BE PROVIDED." THAT HAS NEVER BEEN DONE FOR PHASE 2 AND THE USFWS HAS STATED THAT WITHOUT FINAL APPROVAL OF THE MITIGATION BY THE ACOE AND EPA, NO SECTION 7 FORMAL CONSULTATION CAN BE INITIATED.

In addition to the design of these structures, existing drainage plans and permits must be modified to account for the new roadway elevation as a result of the bridges, additional geotechnical investigation and survey are required to ensure that the bridge structures are adequately designed, and all other elements of the previously prepared construction plans must be updated to reflect the changes required by the new roadway concept. Finally, the environmental impacts which cannot be avoided must be quantified so that adequate mitigation can be provided.

<u>COMMENT INSERT</u>—BELOW PASCO STATES THAT THESE ACTIVITIES, REQUIRING OVER 50 ONSITE TASKS, MUST BE ACCOMPLISHED:

> **"...BEFORE THE USACE WILL ISSUE A PERMIT FOR THE ROADWAY CONSTRUCTION."**

AS OF AUGUST 2019, OVER TWO YEARS LATER, THOSE TASKS HAVE STILL NOT BEEN ACCOMPLISHED. THE QUESTION NOW FOR THE FEDERAL JUDICIARY, IF AND WHEN THEY BECOME INVOLVED, IS "WHAT IS THE ACOE WAITING FOR?"

These activities will be coordinated with the USACE and the plans will be reviewed to ensure their concurrence before the USACE will issue a permit for the roadway construction. This Change Order provides a modification to the existing Scope of Services to allow for these activities, a modification to the Fee Summary increasing funding to provide compensation to NV5, and a time extension to extend the contract through August of 2018 to allow for completion of all activities.

<u>COMMENT INSERT</u>—ABOVE SHOWS THAT THE APPLICANT IS FULLY AWARE OF THE FACT, AS STATED BY THEM ABOVE, THAT "THESE ACTIVITIES WILL BE COORDINATED WITH THE USACE...TO ENSURE THEIR CONCURRENCE BEFORE THE USACE WILL ISSUE A PERMIT FOR THE ROADWAY CONSTRUCTION."

ABSENT THOSE "ACTIVITIES" AND THAT "CONCURRANCE," THERE CAN BE NO PERMIT. SO, WHY HAS THE ACOE DELAYED FOR SO MANY YEARS MAKING A FINAL DECISION?

COMMENT INSERT— BELOW ARE BRIEF EXCERPTS FROM THE COMPLETE 10-PAGE CONTRACT THAT CAN BE FOUND IN ITS ENTIRETY IN APPENDIX # 2 AT THE END OF THIS COMMENT, AND AT THE BELOW WEBSITE, ATTACHMENT #4, 53 PAGE EXHIBIT A, SCOPE, PDF. PRESS ON CONTROL/CLICK TO ACCESS THAT PASCO COUNTY 06/30/2017 BOCC AGENDA SITE.

ITEM R8

Change Order No. 17 to General Professional Services Agreement - NV5, Inc. - Ridge Road Extension Design and Permitting - $4,697,499.00

Memorandum	PMA17-148
Comm. Dist.	2,4
Recommendation:	Approve

COMMENT INSERT--THE FEW EXCERPTED SECTIONS BELOW (16 ALTOGETHER) WILL GIVE THE READER A SENSE OF THE EXTENT AND THE NATURE OF THE REQUIRED ONSITE TASKS PASCO IS FULLY AWARE NEED TO BE FINALIZED BEFORE ANY USACE PERMIT DECISION CAN BE MADE. THE COMMENTS WILL SHOW HOW IMPOSSIBLE IT IS FOR THE APPLICANT TO ACCOMPLISH THOSE TASKS, AS THINGS STAND NOW IN 2019, WITH STILL NO ACCESS.

1-Basin delineation shall incorporate existing survey and/or LiDAR and shall be supplemented, as necessary, with other appropriate data sources (such as permitted site plans) and field observations.

COMMENT INSERT—THE "EXISTING SURVEY" SPOKEN OF ABOVE DOES NOT EXIST BEYOND A 60 % NON-VERIFIED AND UNSIGNED SURVEY ON PHASE 2, AND

HOW CAN THOSE "FIELD OBSERVATIONS" BE MADE IF NO ONE IS ALLOWED IN THOSE FIELDS?

2-8.14.1 NEPA Reevaluation: During the development of the final design plans, **the CONSULTANT shall be responsible for coordinating with USACE to provide necessary engineering information required to document changes between Mod 7 as proposed in the Alternatives Analysis and the final design.**

COMMENT INSERT—HOW CAN THAT REQUIRED "NECESSARY ENGINEERING INFORMATION" BE "COORDINATED" WITH THE USACE IF IT IS NOT OBTAINABLE?

3-8.14.6 Section 7 or Section 10 Consultation: The CONSULTANT shall coordinate with USFWS and USACE and provide necessary technical information to facilitate acceptance of the Biological Assessment updated under CO 16 for the completion of the Section 7 Consultation.

COMMENT INSERT—HOW CAN THE NOW OUTDATED BIOLOGICAL ASSESSMENT, IN PASCO'S OWN WORDS ABOVE, BE "UPDATED" IF NO ACCESS IS PERMITTED TO DO THE REQUIRED SURVEYS FOR ANY LISTED SPECIES AND THEIR HABITATS?

4-The CONSULTANT shall provide Design Documentation to the COUNTY with each submittal consisting of structural design calculations and other supporting documentation developed during the development of the plans. The design calculations submitted shall adequately address the complete design of all structural elements. The final complete Design Documentation package shall be delivered as a pdf file signed and sealed by a Florida registered Professional Engineer.

COMMENT INSERT—NO "Florida registered Professional Engineer" CAN SIGN ANY "structural design calculations and other supporting documentation" SPOKEN OF ABOVE WITHOUT ONSITE MEASUREMENTS AND A DETERMINATION OF THOSE CALCULATIONS.

5-9.15 Coordination – includes coordination with FDOT to obtain bridge numbers. Includes structural coordination with CSX railroad to support obtaining approval for the grade separated crossing.

COMMENT NOTE—THERE IS STILL NO PRE-AGREEMENT WITH THE CSX RR FOR THEIR APPROVAL OF THE TWO BRIDGES OVER THEIR RR TRACKS REFERRED TO ABOVE, SINCE THERE HAVE BEEN NO SURVEYS, GEOTECHNICAL PILINGS BORINGS, OR OTHER DESIGN REQUIREMENTS ON THE WESTERN SIDE OF THOSE RR TRACKS. THERE HAS ALSO BEEN NO DESIGN OR GEOTECHNICAL BORINGS FOR THE N/S BRIDGES OVER THE FUTURE SUNLAKE BLVD. AT STA. 354 – 355 THE COUNTY STILL INSISTS WILL NOT BE INTERSECTIONS, SINCE THEY THINK THE ACOE AND EPA WILL IGNORE THE FACT THAT THERE WILL INDEED BE INTERSECTIONS THAT SOME ENTITY OTHER THAN PASCO WILL CONSTRUCT AT A LATER DATE. PASCO THEREBY ADMITS THOSE INTERSECTIONS ARE "FORESEEABLE," NOT REALIZING THAT FEDERAL LAWS REQUIRE THE APPLICANT (PASCO COUNTY) ASSESS AND MITIGATE FOR ALL POSSIBLE "FORESEEABLE" FUTURE ADVERSE IMPACTS CAUSED BY THE PROPOSED RRE PROJECT.

6-27 SURVEY

The CONSULTANT shall utilize to the greatest extent feasible previously obtained survey data. Additional survey shall be as needed to support the design effort including utility locates, geotechnical support and topographic updates as described herein. Services shall be completed in accordance with all applicable statutes, manuals, guidelines, standards, handbooks, procedures, and current design memoranda.

The CONSULTANT shall submit all survey notes and computations to document the surveys. All field survey work shall be recorded in approved media and submitted to the COUNTY. Field books submitted to the COUNTY must be of an approved type. The field books shall be certified by the surveyor in responsible charge of work being performed before the final product is submitted.

The survey notes shall include documentation of decisions reached from meetings, telephone conversations or site visits.

COMMENT NOTE—AS WE MENTIONED EARLIER, THE "PREVIOUSLY OBTAINED SURVEY DATA" REFERRED TO ABOVE FOR PHASE 2 IS INCOMPLETE AND UNSIGNED BY THE SURVEYOR BERRYMAN & HENIGAR SINCE IT WAS NEVER COMPLETED BEYOND A 60 % LEVEL. AND HOW CAN "ADDITIONAL SURVEYS" BE DONE WITH NO ACCESS?

COMMENT NOTE—IN THE 5 FOLLOWING SECTIONS THE PHRASE "FIELD COLLECTED DATA" HIGHLIGHTED IN BROWN IS USED IN EACH ONE. HOW CAN ANY OF THAT DATA BE OBTAINED WITHOUT ACCESS TO THE ENTIRE ACTION AREA?

7-27.2 Vertical Project Control (VPC)

Recover VPC, for the purpose of establishing vertical control on datum originally used for the project. Includes analysis and processing of all field collected data, and preparation of forms.

8-27.3 Alignment and/or Existing Right of Way (R/W) Lines

Recover or re-establish project alignment. Also includes analysis and processing of all field collected data, existing maps, and/or reports for identifying mainline, ramp, offset, or secondary alignments. Depict alignment and/or existing R/W lines (in required format) per COUNTY R/W Maps, platted or dedicated rights of way.

9-27.6 Topography/Digital Terrain Model (DTM) (3D)

Update survey at the eastern side of the DeCubellis/Moon Lake intersection and on the western side of the Ridge Road Extension at US 41 intersection.

Locate all above ground features and improvements for the limits of the project by collecting the required data for the purpose of creating a DTM with sufficient density. Shoot all break lines, high and low points. Effort includes field edits, analysis and processing of all field collected data, existing maps, and/or reports. Merge data into existing DTM

10-27.10 Underground Utilities

Designation includes 2-dimensional collection of existing utilities and selected 3-dimensional verification as needed for designation. Location includes non-destructive excavation to determine size, type and location of existing utility, as necessary for final 3-dimensional verification. Survey includes collection of data on points as needed for designates and locates. Includes analysis and processing of all field collected data, and delivery of all appropriate electronic files.

11-27.18 Geotechnical Support

Perform 3-dimensional (X,Y,Z) field location, or stakeout, of boring sites established by geotechnical engineer. Includes field edits, analysis and processing of all field collected data and/or reports.

<u>COMMENT NOTE</u>—THE LAST 5 SECTIONS REFER TO THE NEED TO BE "ON-SITE" TO ESTABLISH R/W MONUMENTATION, AND TO "CLEAR VEGETATION FROM THE LINE OF SIGHT," TO PERFORM OTHER SURVEYS AND TO "VERIFY" THE FIELD CONDITIONS. NONE OF THIS IS POSSIBLE WITHOUT ACCESS.

12--27.24 Right of Way Staking, Parcel / Right of Way Line

Perform field staking and calculations of existing/proposed R/W lines for on-site review purposes. 6/29/17

13-27.25 Right of Way Monumentation

Set R/W monumentation as depicted on final R/W maps for corridor and stormwater management areas.

14-27.26 Line Cutting

Perform all efforts required to clear vegetation from the line of sight.

15-27.29 Supplemental Surveys

Supplemental survey days and hours are to be approved in advance by the County Engineer or representative. Refer to tasks of this document, as applicable, to perform surveys not described herein.

16-27.31 Field Review

Perform verification of the field conditions as related to the collected survey data.

SECTION CHRONICLING THE OVER 2 DECADE ISSUE OF PASCO COUNTY NOT BEING ABLE TO FULFILL THE REQUIREMENTS OF A CWA 404 PERMIT DUE TO LACK OF ACCESS AND TO THE EXISTENCE OF OTHER LESS DAMAGING ALTERNATIVES.

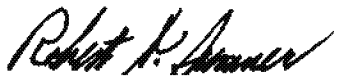
COMMENT INSERT--BELOW IS EVIDENCE THAT ON-SITE VISITS AND GROUND TRUTHING HAVE BEEN REQUIRED OVER THE PAST 21 YEARS IN ORDER TO GET A CWA 404 PERMIT FOR THE RRE. MANY OF THOSE REQUIRED TASKS HAVE STILL NOT BEEN DONE. IN DATE ORDER ARE FIVE EXAMPLES OF SUCH TASKS WHICH HAVE BEEN REQUIRED OVER THE YEARS BY THE VARIOUS ACOE PERMIT REVIEWERS. PASCO COUNTY'S CONSULTANTS INFORMED THE COMMISSIONERS THAT THOSE TASKS WERE REQUIRED. THOSE CONSULTANTS WERE IGNORED.

EXAMPLE # 1---FROM ROBERT SUMNER—PASCO COUNTY ATTORNEY IN 2005. JAKE VARN REFERRED TO BELOW WAS THE ATTORNEY AT THAT TIME HIRED BY PASCO JUST FOR THE RRE.

THE INITIALS "FMC" REFER TO THE "FIVEMILE CREEK" ON THE BEXLEY RANCH THAT WAS TO BE ASSESSED BY UMAM FOR POSSIBLE MITIGATION FOR THE RRE IN 2005. BUT THE BEXLEYS REFUSED ACCESS. THIS EXAMPLE SHOWS THAT ACCESS WAS NECESSARY IN 2005 AND DENIED, JUST AS IT IS TODAY, FOR UMAM ASSESSMENT PURPOSES.

TO: Honorable Chairman _____Members of the Board of County Commissioners

DATE: 07/19/05 FILE:CAO05-0056



FROM: Robert D. Sumner, County Attorney

SUBJECT: Ridge Road Extension Status Report (BCC: 07/26/05; 1:30 p.m.; DC)

REFERENCES: All Commission Districts

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners.

DESCRIPTION AND CONDITIONS:

Please find before you for your consideration a discussion of the Ridge Road Extension Project (RRE) and the permitting status.

Serenova History:

As indicated by Attorney Varn, the permit amendment with SWFWMD to replace the Mableridge property with the Five Mile Creek (FMC) corridor as mitigation for RRE has been at a standstill **since Mr. Bexley denied Biological Research Associates, the County's environmental consultant, access to the FMC corridor in early March, 2005.** Pursuant to the County's request, SWFWMD has given an extension of time until November 10. 2005. in order for the County to provide information as to the FMC corridor mitigation area. **This inability to access the FMC corridor will likewise soon delay the COE permit since the County needs to be able to use this time while the COE and the reviewing agencies review the County's April, 2005 submittals and June, 2005 wildlife survey report, to access the FMC corridor to gather the necessary data and information relative to the required evaluation of the wetlands under the uniform mitigation**

assessment methodology and prepare a proposed restoration and management plan.

<u>EXAMPLE # 2</u>--BELOW IN AUGUST 2006 THE THEN ACOE PROJECT MANAGER MIKE NOWICKI (PROJECT MANAGER FROM 2000 TO 2010) TOLD PASCO:

HE HAD "... concerns that our impacts are not accurate and therefore the WRAP analysis is not accurate"

AND

"... the last field visit was probably four years ago..."

AND

"... in order to update the impacts another field visit is required."

<u>COMMENT INSERT</u>—NOW IN 2019 NOTHING HAS CHANGED. THE LAST FIELD VISIT TO CONDUCT AN UMAM ASSESSMENT ON PHASE 2 WAS IN 2013—6 YEARS AGO. NOW IN THE SUMMER OF 2019, THERE HAS BEEN SO MUCH RAINFALL THAT THE NATIONAL WEATHER SERVICE ISSUED THE BELOW FLOOD WARNING FOR PASCO COUNTY ON 08/16/2019. THE GROUND WATER, STREAM AND RIVER LEVELS HAVE CHANGED SINCE THE LAST ON-SITE WETLAND SURVEY IN 2013, AS HAVE THE WETLAND BOUNDARIES. THE DEGREE OF THAT CHANGE HAS TO BE ASSESSED ON-SITE IN THE COMPANY OF A WETLAND BIOLOGIST AND LAND SURVEYOR.

<u>https://www.wunderground.com/US/FL/149.html?hdf=1</u>

Severe Weather Warning Issued: 9:37 PM EDT Aug. 16, 2019 – National Weather Service

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... Flood Warning extended until further notice...
the Flood Warning continues for the Cypress Creek at Worthington Gardens
*** from tomorrow morning through further notice.**
*** At 09 PM Friday the stage was 7.8 feet.**
*** Minor flooding is forecast.**
*** Flood stage is 8.0 feet.**
*** Forecast to rise above flood stage by tomorrow morning and continue to rise to near 8.8 feet by Monday evening.**
*** Impact... at 8.0 feet... flooding begins at the Recreation Area on State Road 54.**

* Flood history... this compares to a previous crest of 8.8 feet on Jun 28 2012.

COMMENT INSERT—AND BELOW IS FURTHER PROOF OF THE EXTENT OF THE CURRENT FLOODING IN 2019. THE COMPLETE NEWS ARTICLE CAN BE FOUND AT:
http://www.tampabay.com/weather/the-rain-keeps-falling-the-water-keeps-rising-and-catfish-roam-the-streets-20190817/

The rain keeps falling. The water keeps rising. And catfish roam the streets.

The constant thundershowers caused more street flooding, filled rivers, caused discharges from manhole covers — and gave catfish something new to do this weekend.

By **Anastasia Dawson**

Published 08/17/2019

Days of nonstop rain finally led the Alafia River to bulge and swell over its banks, sending 1 to 2 feet of water into nearby River Drive by Saturday and allowing catfish to swim by the stilted homes scattered throughout the Lithia Springs Conservation Park.

Most of the Tampa Bay area has seen above-normal rainfall both for the month and year, according to the National Weather Service. The recent rains led to a flood watch being ordered until Sunday night or Monday morning, which is when forecasters believe the current deluge will finally end as a low pressure system departs the area.
The constant downpours saturated the soil and started overwhelming some wastewater systems.

That would also worsen the situation for those who live along the Alafia and other local rivers.
The often flood-prone Anclote River in Pasco County was creeping closer to flood stage by Saturday evening, Ogelsby said, but was expected to stay around that level.
Contact Anastasia Dawson at adawson@tampabay.com or (813) 226-3377. Follow @adawsonwrites.

EXAMPLE # 3--BELOW IS A COMMUNICATION TO PASCO STAFF FROM THEN PASCO ADMINISTRATOR MICHELE BAKER IN AUGUST 2006. SHE INCLUDES THE COMMUNICATION FROM ACOE PROJECT MANAGER MIKE NOWICKI. THEY REFER TO THE OVERPUMPING AT WATER WELL LOCATIONS IN THE ACTION AREA RESULTING IN A DRASTIC REDUCTION OF THE WETLAND BOUNDARIES REQUIRING THE NEED FOR NEW WETLAND SURVEYS AND DESCRIPTIONS. THE SAME NOW HOLDS TRUE FOR THAT ACTION AREA, BUT FOR THE OPPOSITE REASON: FLOODING DUE TO EXTENSIVE RAINFALL IN THE SUMMER OF 2019.

Michele L Baker
Program Admin;st'ator
for Engineering Services
O 727-847-8140 ext. 8756
F. 727-847-8084
mbaker@pascocountyfl.nef <maJito.mbaker@pas<x>courttytLnet>

Sent: Wednesday. **August 23, 2006** 11:45 AM

To: Barbara Wilhite; Bipin Parikn, Jake Varn {jvarn@fow;erwh ie.com> jamss Widman; John J.Gallagher, Michele Baker; Montgomery Tom (tmomgomery.gphsenytneers.com); Robert ~ietz. Shiriey Denton {sdenton@biologicairesearch.com}; 'Steve Godiey' (sg5diey@Dbsogicaire3earch.com Subject: FW: DA Permit Application SAJ-1998-2682(iP-MN). Pasco County."~Ridge Road Extension

Importance: High

Hello All. – **Please review the attached from Mike Nowicki at COE**. Please prepare responses to his comments and return to me by next Wednesday, 8:30.

Tom. PH&A — questions 2, 3, and 4
Barbara. CAC - You and Fred need to work on 5
Steve. BRA - questions 6 . 8 9
MPO.-MLR - question 11

Jobn-'.Bipin - As you can see from Mike's summary after question 11, "wetland descriptions even one year old may be too old for inclusion because of changes to the wetlands because the extraction of potable water, from the Pasco wellfields has been drastically reduced." He has concerns that our impacts are not accurate and therefore the WRAP analysis is not accurate (question 6).I spoke with Godtey regarding this issue today. He says the last field visit was probably four years ago. **in order to update the impacts another field visit Is required**. He strongly recommends that we do this ASAP before we have any tropical system rainfall. He is working up a cost and time estimate which I will bring to you. i think we need to get his people in the field before the next 8CC meeting on 9/11 (frankly before Labor Day weekend if possible,) I will bring his estimate to you as soon as I receive it. Michele

Michcle L Baker
Program Administrator
Tor Engineering Services
Q: 727-847-6140 ext. 8756
F: 727-847-8084
mbaRef@pascocountyfl,net mailto:mbaker@pascocojniyfl.net

<u>EXAMPLE # 4</u>-- AND IN YET ANOTHER EMAIL FROM MIKE NOWICKI ALMOST TWO YEARS LATER HE EXPRESSES THE NEED FOR ACCESS FROM THE BEXLEY FAMILY TO UPDATE WETLAND ASSESSMENTS FOR PHASE 2, THE NEED FOR AN UPDATED SCRUB JAY SURVEY, UPDATED ALTERNATIVES ANALYSIS, CLARIFICATION OF ACCESS TO THE MIXED-USE AREA NEAR THE INTERCHANGE AND BEING PROVIDED ENOUGH DATA TO "...DEFEND THE COE DECISION IN COURT." HE CONCLUDES: "I JUST DON'T SEE THAT HAPPENING."

Subject: RE: (UNCLASSIFIED)
> Date: Fri, **4 Apr 2008** 09:16:34 -0400
> From: Michael.F.Nowicki@usace.army.mil
> To: ramettadan@hotmail.com
>
> Classification: UNCLASSIFIED
> Caveats: NONE
>
> Dan:
>
> We, EPA/FWS/and I, will all be in one room with Pasco County for our meeting
> and I am sure that Pasco will get a clear message concerning the probability
> that RRE will get a COE permit. **Of course, it's still a dot the I's and**
> cross the T's issue but **I don't see how they can overcome the wetland**
> assessments on Phase II and the lack of ROW for the eastern part of the FDOT
> promised interchange since Mr. Bexley would have to give them access and the
> ROW. Add to that the scrub jay survey (unless FWS says their old BO is ok),
> the alternatives analysis, the minimization, the clarification of the access
> off the interchange to the mulit-use area, and the wildlife crossings and
> they have a lot of work to do. If we all miraculously reach some sort of
> agreement on the level of data needed and if that is provided to everyone's
> satisfaction, a COE permit would be issued. **That means they would give me**
> enough data to overcome the ARNI and defend the COE decision in court.
I just don't see that happening.

> Mike
>
> Classification: UNCLASSIFIED
> Caveats: NONE

<u>EXAMPLE # 5</u>-- THE BELOW EMAIL WAS SENT BY PASCO PROJECT MANAGER SAM BENECK IN 12/2017 WHEN THE BEXLEY FAMILY STILL OWNED THE LANDS ADJACENT TO THE PARKWAY. HE STATES THAT HAVING NO ACCESS IN 2017 MEANT THAT "...we couldn't

collect current environmental data" AND "The access has still not been resolved but we are moving forward with historical data and current aerial images and hope that the USACE will be satisfied with that information."

BUT THE PREVIOUS 3 EMAILS VERIFY THAT THE USE OF "HISTORICAL" AND "AERIAL" DATA ARE SIMPLY NOT ACCURATE ENOUGH TO CORRECTLY ASSESS WETLAND IMPACTS FOR A UMAM DETERMINATION AND MITIGATION PURPOSES, AS WELL AS FOR DETERMINING THE PRESENCE OR ABSENCE OF, AND IMPACTS TO, LISTED SPECIES AND THEIR HABITATS.

THE ACOE MUST ERR ON THE SIDE OF CAUTION AND DEMAND ACCURATE DATA. IF THE LACK OF ACCESS TO PRIVATE PROPERTY PREVENTS THAT THEN, AS THE GUIDELINES CLEARLY STATE, THAT LACK OF INFORMATION PREVENTS ANY CWA 404 PERMIT FROM BEING GRANTED.

From: Sam Beneck <sbeneck@pascocountyfl.net>
Sent: Thursday, December 7, 2017 12:12 PM
To: Porebski, Peter <Peter.Porebski@duke-energy.com>
Subject: RE: 20171130 Ridge Road Status Report

Good morning Sir,

We were not able to secure a right of entry from one of the private land owners and as a result we couldn't collect current environmental data. The access has still not been resolved but we are moving forward with **historical data** and current aerial images and **hope that the USACE will be satisfied with that information.**

I do not believe that you sent me the petition but if you could that would be great. I heard that there is actually a protest planned for Saturday at the site.

PASCO COUNTY FLORIDA

Sam Beneck
Project Manager

Pasco County Project Management

P (727) 834-3604 x1614

C (727) 753-8194
5418 Sunset Rd, New Port Richey, FL 34652

sbeneck@pascocountyfl.net

COMMENT INSERT—IN THE ABOVE FIVE EXAMPLES SHOWING THE HISTORICAL LACK OF ACCESS TO A LARGE PART OF THE ACTION AREA, PASCO HAS ATTEMPTED TO USE "HISTORICAL DATA" AND "CURRENT AERIAL IMAGES" IN PLACE OF ACTUAL UPDATED SURVEY DATA AND UMAM ASSESSMENTS. PASCO'S DESIRE TO EXTRAPOLATE AND SUBSTITUTE OLD DATA IS SIMLPY NOT ACCEPTABLE, SINCE IT IS NOT THE "BEST AVAILABLE SCIENTIFIC INFORMATION" NEEDED TO "...PROTECT AND RESTORE AQUATIC ECOSYSTEMS" AS STATED BY THE USACE BELOW IN A RECENT 02/2018 NEWS RELEASE.

https://www.nwd.usace.army.mil/DesktopModules/ArticleCS/Print.aspx?PortalId=25&ModuleId=4447&Article=1439449

US Army Corps of Engineers®

News Release

President's Fiscal 2019 Budget for U.S. Army Corps of Engineers Civil Works Program released

Published Feb. 12, 2018

Washington (February 12, 2018) - The President's Budget for Fiscal Year 2019 (FY 2019) includes $4.785 billion in gross discretionary funding for the Civil Works program of the U.S. Army Corps of Engineers.

The FY 2019 Aquatic Ecosystem Restoration program is funded at $224 million in the Budget. This program supports restoring aquatic habitat in significant ecosystems where the aquatic ecosystem structure, function and processes have been degraded. USACE will continue to work with other Federal, state and local agencies, **using the best available science and adaptive management to protect and restore these ecosystems.**

SECTION ON EXTENSIVE EMAIL INFORMATION PROVIDED BY PASCO PROJECT MANAGER SAM BENECK TO A CONCERNED CITIZEN JOSH MCCART INDICATING THAT NO CHANGES TO PHASE 2 WERE CONTEMPLATED AS LATE AS 6 MONTHS BEFORE THOSE LAST MINUTE CHANGES (AFTER 20 YEARS) WERE DESIGNED TO SUPPORT/PLACATE THE PROJECT ARTHUR MPUD DEVELOPER.

COMMENT INSERT—BELOW IN MARCH 2018, SIX MONTHS BEFORE THE NEW PUBLIC NOTICE WAS PUBLISHED BY THE ACOE, PASCO'S RRE PROJECT MANAGER SAM BENECK HAD AN EMAIL EXCHANGE WITH CONCERNED CITIZEN JOSH MCCART (BRIEFLY REFERRED TO EARLIER). EXCERPTS FROM THAT EXCHANGE INDICATE THAT, ACCORDING TO MR. BENECK, THE CHANGES TO PHASE 2 WERE NOT BEING CONSIDERED. FOR A READER WHO MIGHT BE INTERESTED IN THE UNABRIDGED VERSION OF THOSE EMAIL EXCHANGES, EXEMPLIFYING THE OFFICIAL POSITION OF PASCO COUNTY IN MARCH 2018, THEY ARE IN APPENDIX # 3. MR. BENECK INDICATED THAT:

"The County has not submitted any alternatives to the USACE where Phase 2 is classified as an arterial roadway and there are currently no plans to do so."

"...we do not currently intend to deviate from that alternative."

"The County is still pursuing Modified Alternative 7 which the USACE has identified as the LEDPA and does not plan to propose a different alternative."

"...would require extensive revision of the analysis done to date."

MR. BENECK ALSO STATED BELOW THAT THE COUNTY HAD NO PLANS TO CONSTRUCT PHASE 2 AND THE EASTERN PART OF THE INTERCHANGE WOULD BE "BARRICADED."

"Our intention is to construct Phase 1 and the interchange (in its entirety) upon receiving a permit. These projects may be advertised and awarded as separate projects to different contractors or advertised and awarded as a single project. The eastbound lanes would be barricaded to prevent access, similar to the way the portions of the ramps which exist today are currently barricaded."

COMMENT INSERT—HOW DOES THE ABOVE PLAN TO "BARRICADE" THE EASTBOUND LANES ½ MILE PAST THE PARKWAY INTERCHANGE AT ITS EASTERN TERMINUS, AND OVER 3 MILES FROM THE ACOE-STATED PROJECT PURPOSE TO GO EAST TO US 41, SATISY THAT PROJECT PURPOSE? THE ACOE CANNOT GRANT AN INDIVIDUAL PERMIT FOR ONLY ONE HALF OF A PROPOSED PROJECT. IT IS ALL OR NOTHING.

SECTION ON THE NEED TO UPDATE LISTED SPECIES SURVEYS TO DETERMINE THE CURRENT LEVEL OF OCCUPANCY AND THE EXTENT OF ANY POTENTIAL ADVERSE EFFECTS TO THEM, OR TO THEIR HABITATS, ON THE ACTION AREA THAT NOW, ON PHASE 2, WILL HAVE FULL ON/OFF INTERSECTION ACCESS.

COMMENT INSERT—THERE IS ALSO A NEED FOR UPDATED SURVEYS OF LISTED SPECIES AND THEIR HABITATS, AND AN UPDATED BIOLOGICAL ASSESSMENT ON BOTH PHASES 1 AND 2 SO THAT FORMAL CONSULTATION BETWEEN THE ACOE AND USFWS CAN BEGIN. THE USFWS SURVEY PROTOCOLS INDICATE THAT ALMOST ALL OF THE LISTED SPECIES SURVEYS ARE VERY OUTDATED AND NO LONGER VALID. THAT IS TRUE FOR THE E. I. SNAKE (LAST SURVEY WAS IN 2013, GOOD FOR 2 YEARS AND NOW 4 YEARS OUT OF DATE). IT IS ALSO TRUE FOR THE FLORIDA SCRUB JAY AND RED COCKATED WOODPECKER, WHOSE LAST SURVEYS WERE IN 2013 AND WERE GOOD FOR 3 YEARS ACCORDING TO THE USFWS'S FIELD SUPERVISOR DAVE HANKLA. THEY ARE NOW 3 YEARS OUT OF DATE.

PAST ACOE PROJECT MANAGER TRACY HURST (2010 TO 2016) STATED BELOW THAT NO PERMIT DECISION COULD BE MADE UNTIL ALL LISTED SPECIES SURVEYS WERE UPDATED FOR BOTH PHASES. SHE ALSO REFERRED TO THE POSSIBILITY OF "HABITAT CHANGES" OVER TIME THAT MUST BE UPDATED AND REASSESSED. TO BE CONSISTENT, THE ACOE MUST ENSURE THAT THE EXACT SAME REQUIREMENTS ARE SATISFIED NOW IN 2019.

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610
July 3, 2012

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:

In a meeting on March 23, 2012 and by letter dated April 25, 2012, the Corps inquired as to whether you had resolved access issues that would enable survey efforts within Phase II of the project, east of the Suncoast Parkway. On March 23, 2012, you indicated you would be contacting the landowners. **As survey efforts within all project phases, including Phase II, must be complete prior to a permit decision, we again request the status of your access to these areas.** Please also provide an estimated survey schedule, by species and phase, to ensure the timely completion of our review. **Any delay in surveys on Phase II may render previously completed surveys on Phase I invalid, depending on the length of time that has passed, changes in habitat conditions, and developments in scientific research.**

THAT CONCLUDES COMMENT # 33.

RESPECTFULLY SUBMITTED,

Dan & Sara Rametta
Richard Sommerville
Save Our Serenova
Citizens For Sanity.Com,Inc.
& The Commenters Group

cc: Brigadier General Diana M Holland, Commander, South Atlantic Division
Clif Payne, Chief, Special Projects and Enforcement Branch
Shayne Hayes, Project Manager
Joshua R. Holmes, Principal Assistant District Counsel for Regulatory
Christina Storz, Assistant District Counsel
Cynthia F. Van Der Wiele, Ph.D, USEPA, Region 4
Annie Dziergowski, USFWS Project Consultation Supervisor
Jacob.A.Siegrist, Regulatory Appeals Review Officer
Edgar.W.Garcia, Project Reviewer

APPENDIX # 1

EVIDENCE THAT A COMPLETE ROW SURVEY FOR PHASE 2 WAS NEVER ACCOMPLISHED.

COMMENT INSERT—NOTE BELOW IN DATE ORDER AND HIGHLIGHTED IN RED THAT:

IN 2005—"... Some other items that will be need to be completed for Phase II are: R/W Maps..."

IN 2006—"... I've received confirmation from B&H that they "don't think it is possible to complete Phase II..."

IN 2007—"Phase II...R/W Control survey (as singed and sealed) and Right of Way maps (incomplete, as prepared to date)...It is noted the project is incomplete."

.

From: Tom Montgomery [tmontgomery@phaengineers.com]
Sent: Wednesday, **November 30, 2005** 4:15 PM
To: Michele Baker
Subject: RE: RRE Plan Review

Michelle

It has been a while since the last County review of either Phase I or Phase II plans. There is probably an entirely new staff involved at the County. As we now stand we do not have complete plans sets ready for review. Since we are in the middle of making substantial revisions both Phase I and Phase II are "in progress". I would be glad to come in and go over the "in progress" plans and discuss some of the other issues needed to be completed to prepare the projects for bidding. I am available Wednesday through Friday of next week (12 -7 through 12-9) morning or early afternoon preferred.

The current status is:

Phase I plans are in process of having the drainage revisions made within the segment that was narrowed. The roadway plan/profile have been revised with the exception of drainage revisions, cross sections have been revised but drainage structure sheets still need to be revised. We also are doing a general review/update for new FDOT standards that need to be incorporated.

Phase II plan revisions are just getting underway with revisions to the plan and profile sheets near complete to incorporate the Bexley bridge and the Five Mile wildlife crossing. Cross sections are in process of being revised. Drainage revisions will start after roadway revisions are complete. Bridge

plans will be advanced to 30% complete by the time of the SWFWMD submittal. Final bridge construction plans (not needed for SWFWMD permitting) will continue during the permitting process.

Some other items that will be need to be completed for Phase II are: R/W Maps, FDOT Connection permit for US 41 intersection, **CSX permit for bridge over railroad**. We were in varying stages of completion for these items when work stopped to address permitting issues and will need to pick these up again as we move forward.

For Phase I we will need to update quantities and the estimate as well as the spec package. Specifications were an issue when we prepared them the first time since FDOT was metric at the time and the County wanted English conversions. I would hope Pasco County now has a standard set of specs for roadway projects that can be adapted for use on this project. Other than the bid documents we should have no major items to get Phase I ready to go once permits are issued.

Thanks

Tom

AND

From: Tom Montgomery [tmontgomery@phaengineers.com]
Sent: Monday, **April 03, 2006** 11:22 AM
To: Michele Baker
Subject: RE: Meeting with Surveyor and Plans Review for RRE

Michele

I've received confirmation from B&H that they "don't think it is possible to complete Phase II for the fees remaining in the contract because of the same issues with Phase I - Ownership changes of parent tracts, old survey control in the field, etc.". They are preparing an estimate of what they think it will take and should have it to me by the end of this week. It would not likely be productive to meet with B&H based on their position that it cannot be finished for the amount remaining.

Thanks
Tom

From: hal.peters@us.bureauveritas.com
[mailto:hal.peters@us.bureauveritas.com]
Sent: Thursday, October 05, 2006 2:52 PM
To: Tom Montgomery
Cc: Stephen.Starr@us.bureauveritas.com; mark.stokes@us.bureauveritas.com
Subject: Ridge Road - Phase 2: revised survey estimate

Tom,

Again, thanks for taking the time to meet with us and Pasco County to resolve the survey issues on Ridge Road Phase 2.

Attached is our revised survey scope and fee estimate based on our meeting with Pasco County staff last week.

If you have any questions, or need any additional information, please let me know.

Thanks,

Hal

Harold "Hal" B. Peters, PSM
Survey Manager

Berryman & Henigar, Inc.
A Bureau Veritas Company
1221 W. Colonial Dr. Suite 300
Orlando, FL 32804

Phone: 407-426-8994
Fax: 407-426-8977
Cellular: 321-303-3760
hal.peters@us.bureauveritas.com
www.us.bureauveritas.com

AND

From: Tom Montgomery [tmontgomery@phaengineers.com]
Sent: Thursday, May 31, 2007 10:06 AM
To: Hardoowar Singh
Cc: Michele Baker
Subject: Ridge Road Extension Phase II R/W Maps

Hardy

I received a reply from Hal Peters at GPI (B&H) and they are ready to provide the following:

Phase I:
1. CD containing an ASCII point file (point name, northing, easting, elevation, description) of all points in the Geopak project.
2. Original field books.

Phase II:
1. 2 copies of R/W Control Survey signed and sealed by Walter Smith PSM (copies from their files).
2. CD containing Microstation (dgn) files of R/W Control survey (as singed and sealed) and Right of Way maps **(incomplete, as prepared to date)**, ASCII point file (point name, northing, easting, elevation, description) of all points in the Geopak project. **It is noted the project is incomplete.**
3. Original field books.

Please confirm that after receipt of the items listed above Pasco County will consider survey services complete for both Phases and will approve release of the survey retainage upon receipt of the subsequent monthly invoice.

Thanks

Tom

<u>COMMENT INSERT</u>—THE ABOVE THREE EMAILS FROM 2005 – 2007 CONFIRM THAT THE PHASE 2 ROW SURVEY PROJECT WAS INCOMPLETE. IT REMAINS INCOMPLETE NOW IN 06/2019.

IF THE RRE PHASE 2 ROW IS NOT EXACTLY KNOWN, THEN HOW CAN WETLAND IMPACTS BE KNOWN? THE USUAL 300-FOOT BUFFER FROM THE EDGE OF THE ROW OUT TO WHAT MAY BE A WETLAND AREA CANNOT BE KNOWN IF THE ACTUAL ROW LINE HAS NOT BEEN SURVEYED, DELINEATED AND VERIFIED BY FLORIDA STATE MINIMUM SURVEY STANDARDS WITH A LICENSED SURVEYOR'S SIGNATURE. WITHOUT A VERIFIED SURVEY, WETLAND IMPACTS IN SUCH AN AREA ARE UNKNOWABLE, AS WILL BE THE MITIGATION TO OFFSET THOSE IMPACTS.

<u>COMMENT INSERT</u>—BELOW IS EVIDENCE FROM 1997 TO 2006 SHOWING THAT, EVEN THAT FAR BACK IN TIME, PASCO WAS HAVING PROBLEMS WITH THE ROW SURVEYS, ESPECIALLY ON PHASE 2. THOSE WERE ONLY DONE TO A 60 % LEVEL AND NEVER CERTIFIED.

RIDGE ROAD EXTENSION
WETLAND ASSESSMENT
PROJECT No, C6686.20

28 July 1997

Submitted To:

Pasco County Development Services
Engineering Services Department
7432 Little Road New Port
Ritchey, Florida 34654

Submitted By:

Efouglal J. Chaltry ~
Wildlife Biolo^St

L. Thomas Roberts
Senior Consultant

COMMENT INSERT—NOTE BELOW HOW NO WETLANDS WERE DELINEATED AND EVENTUALLY, AS WILL BE SEEN IN OTHER EMAILS, THE SURVEYOR BERRYMAN & HENIGAR ONLY COMPLETED A 60 % SURVEY OF THE 8.4 MILE RRE. AND THEN THEY REFUSED TO SIGN THE SURVEY, SINCE THEY SAID THAT WOULD VIOLATE FLORIDA STATE SURVEY MINIMUM TECHNICAL STANDARDS (MTS) REQUIREMENTS .

Recommendation and Conclusion

As previously discussed, the total wetland impacts are very similar among the alternative alignments. Consequently, any recommendation would be very arbitrary. From the perspective of final numbers, Alignment ABA-4 has the fewest impacts, followed by Alignments A, ABA-3, ABA-2 and finally, Alignment C,

If factors other than total acreage of impacts are to be considered, then different recommendations can be made. For example, if impacts to herbaceous wetland systems are desired to be minimized, then Alignment C would be the preferred alignment However, if it is determined to be preferable to avoid impacts to the bottomland strands and cypress sloughs, then Alignment A would be preferable to the other alignments. Alignment C should be avoided in this circumstance. The Florida Game and Fresh Water Fish Commission has indicated during preliminary discussions that they would like to see all road crossings of strands and sloughs that are connected to tributaries of the Pithlachascotee and/or Anclote Rivers to be bridged with wildlife underpasses.

It must be noted that the wetland lines on the vegetation map were deduced through aerial photo interpretation and use of available GIS databases, with only selective ground-truthing. None of the wetlands were systematically delineated using accepted wetland delineation procedures. There is a certain degree of error inherent in the use of this method for mapping wetlands. The amount of this error is estimated to be within the same magnitude range as the difference between the total calculated impact acreage of the alternative alignments, i.e., approximately 10%. During the permitting phase of the project, the wetlands within the final alignment will be flagged and surveyed, and the impacted wetland acreage then can be more accurately calculated.

COMMENT INSERT—NOTE BELOW PHASE 2 ROW FIELD MAPPING SURVEYS WERE NEVER COMPLETED.

From: Thomas J Montgomery [tmontgomery@phaengineers.com]
Sent: Wednesday, August 31, 2005 11:43 AM
To: Bipin Parikh
Cc: 'Roy Chapman'; John Chiarelli; Michele Baker
Subject: RRE Phase II R/W Maps

Attachments: PhII_rw_area_Bexley.pdf

Bipin

Per your request, the attached exhibit provides the approximate acreages of right of way acquisition for RRE Phase II between Suncoast and the railroad. This was originally provided to Jake in May. Please note that these areas are determined from the construction plans and that when right of way maps are completed there may be some small variations in the computed areas.

As discussed by phone this morning, the Phase II maps have not been completed. As has been noted in our Progress reports since April 1999 through our most recent, the Phase II maps are on hold. Initially finalization of the right of way requirements (i.e., pond/flood compensation needs) was the reason for holding production of the maps. After issuance of the SWFWMD permit the right of way needs were determined however we were instructed by Greg Riski to continue to hold the production of the maps until further notice. An email message of 7-26-04 from Greg confirmed that the final maps should be continued to be delayed. At that time we provided Greg with a listing of parcels for which title searches would be required and a schedule for completion of the maps. At that time, our subconsultant, Berryman & Hennigar, said they could have the maps finalized in 8 weeks from the receipt of title searches. Greg's message indicated that he would request the title searches so that once it was confirmed there would be no additional changes in the R/W requirements the maps could be finalized. The message also indicates that the information the County already had appeared sufficient to prepare an opinion of value as opposed to "a full blown appraisal".

Recent communications with our subconsultant (who has undergone a number of changes in Managers for this project) has indicated that they may not have the ability to complete the maps for the funds remaining due to the significant increases in staff rates over time. I asked them to provide a written request for any additional compensation they felt was needed to account for the long delays and rate increases. I also asked them for a schedule to complete the mapping. Recovery of field monumentation after the passage of over 6 years from the completion of the initial field survey effort until now is also an issue. As we discussed, CO No 7 included some upset limit funds for updates to R/W maps (envisioned to be Phase I maps at that time) that may be able to be used for Phase II Maps. There were also upset limit funds for geotechnical services that likely won't be needed. Please explore the viability of applying one or both of these available funds to the Phase II mapping effort.

If you need any information in the mean time please let me know and we will do our best to provide it.
Thanks
Tom

From: Tom Montgomery [tmontgomery@phaengineers.com]
Sent: Friday, May 19, 2006 12:41 PM
To: Michele Baker
Subject: RRE Right of Way Maps

Attachments: 2006-05-19 HP response to request 01.doc

Michele
Attached is a letter from Berryman & Henigar outlining their position on completion of the right of way mapping for Ridge Road Extension Phases I & II.
As indicated in the letter B&H would be pleased to provide the items requested by the County to close out the efforts on Phase I. They would like to know how many signed and sealed copies of the right of way maps and legals you want and will prepare an estimate of the expenses to provide them.
Phase II may be a problem area as you will see in the letter. Based on their interpretation of the Minimum Technical Standards set by the Board of Professional Surveyors and Mappers they are unable to complete something not reflecting the "most current abutting recorded instrument...known by the surveyor". Since there have been changes to ownership and new plats recorded of which they are aware they don't believe they can complete their services as requested by the County and be in compliance with the MTS.
If you would like to discuss this after you have had a chance to review the letter please call.
Thanks
Tom

The surveyors state here that it would violate state MTS to certify any incomplete survey.

APPENDIX # 2

EVIDENCE CONTAINED IN THE BELOW PASCO APPROVED SCOPE OF SERVICES TO THEIR CONSULTANT FOR OVER $4.5 MILLION IN 07/2017 THAT PASCO WAS WELL AWARE OF ALL OF THE ON-SITE AND GROUND TRUTHED FIELD OBSERVATIONS AND VERIFICATIONS THAT WERE THEN, AND STILL ARE TODAY, REQUIRED BEFORE ANY CWA 404 PERMIT CAN BE ISSUED.

EXHIBIT A
Change Order No. 17
RIDGE ROAD EXTENSION Phases 1 & 2
PROJECT NO.: C-6686.20
PASCO COUNTY
Scope of Services for Final Design and Construction Documents
6-29-17

COMMENT INSERT--ALL FIELD WORK AND WORK THAT REQUIRES ON-SITE TASKS AND VERIFICATION HAVE BEEN HIGHLIGHTED IN RED BELOW.

http://pasco.siretechnologies.com/Sirepub/cache/2/jhtbprm4w2vweekit45fjib4/157441811012018033850553.PDF

THE ABOVE IS FOUND AT THE 07/11/2017 PASCO BOCC MEETING

http://pasco.siretechnologies.com/Sirepub/mtgviewer.aspx?meetid=1861&doctype=AGENDA

Pasco County Commission Agenda

July 11, 2017

10:00 AM, Dade City

COMMENT INSERT--FOUND AT BELOW WEBSITE, ATTACHMENT #4, 53 PAGE EXHIBIT A, SCOPE, PDF.

ITEM R8

R8 Change Order No. 17 to General Professional Services Agreement - NV5, Inc. - Ridge Road Extension Design and Permitting - $4,697,499.00

Memorandum	PMA17-148
Comm. Dist.	2,4
Recommendation:	Approve

ATTACHMENT 4—SCOPE OF SERVICES

EXHIBIT A

Change Order No. 17
RIDGE ROAD EXTENSION Phases 1 & 2
PROJECT NO.: C-6686.20
PASCO COUNTY
Scope of Services for Final Design and Construction Documents

This Exhibit forms an integral part of the agreement Pasco County (hereinafter referred to as the COUNTY) and NV5, Inc. (hereinafter referred to as the CONSULTANT) relative to the transportation facility described as follows:
County Project No.: ***C6686.20***
Description: ***Ridge Road Extension Phases 1 & 2, Pasco County***

2.21 COUNTY will provide the following:
Provide for CONSULTANT access to privately owned lands as needed. CONSULTANT shall provide written request to COUNTY to access privately owned lands.

6a.1 Drainage Map Hydrology

Accurately delineate drainage basin boundaries to be used in defining the system hydrology. Basin delineation shall incorporate existing survey and/or LiDAR and shall be supplemented, as necessary, with other appropriate data sources (**such as permitted site plans) and field observations**. Basin delineations shall also include any existing collection systems in a logical manner to aid in the development of the hydraulic model. Prepare the Drainage Maps in accordance with the FDOT Plans Preparation Manual.

6a.2 Base Clearance Report

Analyze, determine, and document high water elevations per basin which will be used to set roadway profile grade and roadway materials. Determine surface water elevations at cross drains, floodplains, outfalls and adjacent stormwater ponds. Determine groundwater elevations at intervals between the above-mentioned surface waters. Document findings in an updated Base Clearance Report as appropriate.

6a.3 Pond Siting Analysis and Report

Existing pond site locations shall be used to the maximum extent feasible. Should additional sites be required, evaluate pond sites using a preliminary hydrologic analysis. Document the results and coordination for any new pond locations in a Pond Siting Report.

8 PERMITS, COMPLIANCE AND CLEARANCES

8.10 Mitigation Design 6/29/17

The COUNTY has determined that compensatory mitigation for unavoidable wetland impacts shall be provided through the purchase of credits from a mitigation bank. CONSULTANT shall assist the COUNTY with coordination with the Mitigation Bank to facilitate the reservation and purchase of credits.

CONSULTANT shall analyze the wetland impacts and determine the number of compensatory mitigation credits required based on the Unified Mitigation Assessment Method (UMAM). The UMAM analyses shall be completed separately for both the SWFWMD Environmental Resource Permit modification application and the USACE Section 404 permit application processing.

8.14 Preparation of Environmental Clearances and Reevaluations

The CONSULTANT shall prepare reports and clearances for all the changes to the project that occurred after the USACE acceptance of Mod 7 as the apparent Least Environmentally Damaging Practicable Alternative (LEDPA) based on the Alternatives Analysis. These changes could include but are not limited to pond and/or flood compensation sites identified, land use or environmental changes, and significant design changes.

8.14.1 NEPA Reevaluation: During the development of the final design plans, the CONSULTANT shall be responsible for coordinating with USACE to provide necessary engineering information required to document changes between Mod 7 as proposed in the Alternatives Analysis and the final design.

8.14.3 Wetland Impact Analysis: The CONSULTANT shall complete Unified Mitigation Assessment Method (UMAM) analyze for the impacts to wetlands and other surface waters as need for both USACE and SWFWMD permitting activities to quantify the functional loss that will result from the wetland impacts.

8.14.5 Wildlife and Habitat Impact Analysis: The CONSULTANT shall coordinate with SWFWMD as needed for consultation with FWC to facilitate issuance of the ERP modification.

8.14.6 Section 7 or Section 10 Consultation: The CONSULTANT shall coordinate with USFWS and USACE and provide necessary technical information to facilitate acceptance of the Biological Assessment updated under CO 16 for the completion of the Section 7 Consultation.

9 STRUCTURES - SUMMARY AND MISCELLANEOUS TASKS AND DRAWINGS

The CONSULTANT shall analyze, design, and develop contract documents for all structures in accordance with applicable provisions as defined in Section 2.19, Provisions for Work. Individual tasks identified in Sections 9 through 18 are defined in the FDOT Staff Hour Estimation Handbook. Contract documents shall display economical solutions for the given conditions.

The CONSULTANT shall provide Design Documentation to the COUNTY with each submittal consisting of structural design calculations and other supporting documentation developed during the development of the plans. The design calculations submitted shall adequately address the complete design of all structural elements. These calculations shall be neatly and logically presented including a cover sheet indexing the contents of the calculations and all sheets shall be numbered. All computer programs and parameters used in the design calculations shall include sufficient backup information to facilitate the review task. The final complete Design Documentation package shall be delivered as a pdf file signed and sealed by a Florida registered Professional Engineer.

COMMENT NOTE—CANNOT DO WITHOUT BORINGS.

9.15 Coordination – includes coordination with FDOT to obtain bridge numbers. Includes structural coordination with CSX railroad to support obtaining approval for the grade separated crossing.

COMMENT NOTE—CANNOT DO ABOVE FOR WESTERN SIDE OF CSX BRIDGING OR BEXLEY RANCH ROAD BRIDGES ON BEXLEY PROPERTY.

COMMENT NOTE—CANNOT DO ANY OF BELOW FOR EITHER CSX OR BEXLEY RANCH ROAD AT STA 354-355 FOR THOSE 2 BRIDGES WITHOUT ACCESS TO BEXLEY PROPERTY.

27 SURVEY

The CONSULTANT shall utilize to the greatest extent feasible previously obtained survey data. Additional survey shall be as needed to support the design effort including utility locates, geotechnical support and topographic updates as described herein. Services shall be completed in accordance with all applicable statutes, manuals, guidelines, standards, handbooks, procedures, and current design memoranda.

The CONSULTANT shall submit all survey notes and computations to document the surveys. All field survey work shall be recorded in approved media and submitted to the COUNTY. Field books submitted to the COUNTY must be of an approved type. The field books shall be certified by the surveyor in responsible charge of work being performed before the final product is submitted.

The survey notes shall include documentation of decisions reached from meetings, telephone conversations or site visits. All like work (such as bench lines, reference points, etc.) shall be recorded contiguously. The COUNTY may not accept field survey radial locations of section corners, platted subdivision lot and block corners, alignment control points, alignment control reference points and

certified section corner references. The COUNTY may instead require that these points be surveyed by true line, traverse or parallel offset.

COMMENT NOTE--CANNOT BE DONE WITHOUT ACCESS.

27.2 Vertical Project Control (VPC)

Recover VPC, for the purpose of establishing vertical control on datum originally used for the project. Includes analysis and processing of all field collected data, and preparation of forms.

27.3 Alignment and/or Existing Right of Way (R/W) Lines

Recover or re-establish project alignment. Also includes analysis and processing of all field collected data, existing maps, and/or reports for identifying mainline, ramp, offset, or secondary alignments. Depict alignment and/or existing R/W lines (in required format) per COUNTY R/W Maps, platted or dedicated rights of way.

27.6 Topography/Digital Terrain Model (DTM) (3D)

Update survey at the eastern side of the DeCubellis/Moon Lake intersection and on the western side of the Ridge Road Extension at US 41 intersection.

Locate all above ground features and improvements for the limits of the project by collecting the required data for the purpose of creating a DTM with sufficient density. Shoot all break lines, high and low points. Effort includes field edits, analysis and processing of all field collected data, existing maps, and/or reports. Merge data into existing DTM

27.10 Underground Utilities

Designation includes 2-dimensional collection of existing utilities and selected 3-dimensional verification as needed for designation. Location includes non-destructive excavation to determine size, type and location of existing utility, as necessary for final 3-dimensional verification. Survey includes collection of data on points as needed for designates and locates. Includes analysis and processing of all field collected data, and delivery of all appropriate electronic files.

27.18 Geotechnical Support

Perform 3-dimensional (X,Y,Z) field location, or stakeout, of boring sites established by geotechnical engineer. Includes field edits, analysis and processing of all field collected data and/or reports.

27.24 Right of Way Staking, Parcel / Right of Way Line

Perform field staking and calculations of existing/proposed R/W lines for on-site review purposes. 6/29/17

27.25 Right of Way Monumentation

Set R/W monumentation as depicted on final R/W maps for corridor and stormwater management areas.

27.26 Line Cutting

Perform all efforts required to clear vegetation from the line of sight.

27.27 Work Zone Safety

Provide work zone as required by COUNTY standards.

27.29 Supplemental Surveys

Supplemental survey days and hours are to be approved in advance by the County Engineer or representative. Refer to tasks of this document, as applicable, to perform surveys not described herein.

27.31 Field Review

Perform verification of the field conditions as related to the collected survey data.

35 GEOTECHNICAL

The CONSULTANT shall be responsible for additional geotechnical investigation as needed to supplement information previously obtained and in the possession of the CONSULTANT. All work performed by the CONSULTANT shall be in accordance with COUNTY standards, or as otherwise directed by the COUNTY Engineer or representative.

Before beginning each phase of investigation and after the Notice to Proceed is given, the CONSULTANT shall submit an investigation plan for approval and meet with the COUNTY Engineer or representative to review the project scope and COUNTY requirements. The investigation plan shall include, but not be limited to, the proposed boring locations and depths, and all existing geotechnical information from available sources to generally describe the surface and subsurface conditions of the project site. Additional meetings may be required to plan any additional field efforts, review plans, resolve plans/report comments, resolve responses to comments, and/or any other meetings necessary to facilitate the project.

35.1 Document Collection and Review

Roadway

The CONSULTANT shall be responsible for coordination of any additional geotechnical related field work activities needed to supplement the existing geotechnical information. It is anticipated that previously performed roadway geotechnical will be adequate for the plans update.

If required, additional roadway exploration shall be performed before the 30% plans submittal. The preliminary roadway exploration will be performed and results provided to the Engineer of Record to assist in setting roadway grades and locating potential problem areas.

CONSULTANT shall perform specialized field-testing as required by project needs and as directed in writing by the COUNTY Engineer or representative.

35.2 Develop Detailed Boring Location Plan

Develop a detailed boring location plan. Meet with COUNTY Engineer or representative for boring plan approval. If the drilling program expects to encounter artesian conditions, the CONSULTANT shall submit a methodology(s) for plugging the borehole to the COUNTY for approval prior to commencing with the boring program.

35.3 Stake Borings/Utility Clearance

Stake borings and obtain utility clearance.

35.4 Muck Probing

If needed, probe standing water and surficial muck in a detailed pattern sufficient for determining removal limits to be shown in the Plans.

35.6 Drilling Access Permits

Obtain all State, County, City, and Water Management District permits for performing geotechnical borings, as needed.

COMMENT NOTE—BELOW THERE SIMPLY IS NO ACCESS, AND AS LONG AS THE BEXLEY FAMILY OWNS THE REMAINING ALMOST 4,000-ACRE RANCH THERE WILL NEVER BE ACCESS ALLOWED.

35.7 Property Clearances

The COUNTY shall provide for authorization to enter privately owned lands as needed for field operations. CONSULTANT shall provide written request to COUNTY to *access privately owned lands.*

35.8 Groundwater Monitoring

Monitor groundwater, using piezometers.

35.9 LBR / Resilient Modulus Sampling – N/A

35.10 Coordination of Field Work

Coordinate all field work required to provide geotechnical data for the project.

35.11 Soil and Rock Classification - Roadway

Refine soil profiles recorded in the field, based on results of laboratory testing.

35.14 Seasonal High Water Table

If any additional roadway borings are performed, review the encountered ground water levels and estimate seasonal high ground water levels. Estimate seasonal low ground water levels, if requested.

35.15 Parameters for Water Retention Areas

Calculate parameters for any additional stormwater management areas, exfiltration trenches, and/or swales as needed.

35.16 Delineate Limits of Unsuitable Material

Delineate any limits of unsuitable material(s) in both horizontal and vertical directions if additional muck probes were performed. Assist the Engineer of Record with detailing these limits on the cross-sections. If requested, prepare a plan view of the limits of unsuitable material.

35.21 Geotechnical Recommendations

Provide geotechnical recommendations for any new areas of exploration regarding the proposed roadway construction project including the following: description of the site/alignment, design recommendations and discussion of any special considerations (i.e. removal of unsuitable material, consolidation of weak soils, estimated settlement time/amount, groundwater control, high groundwater conditions relative to pavement base, etc.) Evaluate and recommend types of geosynthetics and properties for various applications, as required.

35.24 Final Report

The Final Roadway Report for any new areas of exploration shall include the following:

Copies of U.S.G.S. and S.C.S. maps with project limits shown.

A report of tests sheet that summarizes the laboratory test results, the soil stratification (i.e. soils grouped into layers of similar materials) and construction recommendations relative to Standard Indices 500 and 505.

35.25 Auger Boring Drafting

Draft auger borings as need for inclusion in the plans.

35.26 SPT Boring Drafting

Draft SPT borings as needed for inclusion in the plans.

Structures

The CONSULTANT shall be responsible for coordination of all geotechnical related fieldwork activities needed for all structures on the project for which there was not previously completed exploration or if additional exploration is needed.

The staff hour tasks for high embankment fills and structural foundations for bridges, box culverts, walls, high-mast lighting, overhead signs, mast arm signals, strain poles, buildings, and other structures include the following:

35.27 Develop Detailed Boring Location Plan

Develop a detailed boring location plan. Meet with COUNTY Geotechnical Project Manager for boring plan approval. If the drilling program expects to encounter artesian conditions, the CONSULTANT shall submit a methodology(s) for plugging the borehole to the COUNTY for approval prior to commencing with the boring program.

35.28 Stake Borings/Utility Clearance

Stake borings and obtain utility clearance.

35.30 Drilling Access Permits

Obtain all State, County, City, Railroad and Water Management District permits for performing geotechnical borings, as needed.

35.31 Property Clearances

The County shall provide for authorization to enter privately owned lands as needed for field operations.

<u>COMMENT NOTE</u>--ANOTHER TASK ABOVE THAT IS NOT POSSIBLE WITHOUT ACCESS TO THE BEXLEY PROPERTY.

35.32 Collection of Corrosion Samples

Collect corrosion samples for determination of environmental classifications.

35.33 Coordination of Field Work

Coordinate all field work required to provide geotechnical data for the project.

35.36 Estimate Design Groundwater Level for Structures

Review encountered groundwater levels, estimate seasonal high groundwater levels, and evaluate groundwater levels for structure design.

35.37 Selection of Foundation Alternatives (BDR)

Foundation analyses shall be performed using appropriate FDOT methods. Assist in selection of the most economical, feasible foundation alternative.

35.38 Detailed Analysis of Selected Foundation Alternate(s)

Detailed analysis and basis for the selected foundation alternative. Foundation analyses shall be performed using approved FDOT methods and shall include:

Spread footings (including soil bearing capacity, minimum footing width, and minimum embedment depth).

For pile and drilled shaft foundations, provide graphs of ultimate axial soil resistance versus tip elevations. Calculate scour resistance and/or downdrag (negative skin friction), if applicable.

CONSULTANT shall assist the Structures Engineer of Record in preparing the Pile Data Table (including test pile lengths, scour resistance, down-drag, minimum tip elevation, etc.). Provide the design soil profile(s), which include the soil model/type of each layer and all soil-engineering properties required for the Structures Engineer of Record to run the FBPier computer program. Review lateral analysis of selected foundation for geotechnical compatibility. Develop estimated maximum driving resistance anticipated for pile foundations. Provide settlement analysis.

35.40 Lateral Load Analysis (Optional)

Perform lateral load analyses as directed by the COUNTY.

35.41 Walls

Provide the design soil profile(s), which include the soil model/type of each layer and all soil engineering properties required by the Structures Engineer of Record for conventional wall analyses and recommendations. Review wall design for geotechnical compatibility and constructability.

Evaluate the external stability of conventional retaining walls and retained earth wall systems. For retained earth wall systems, calculate and provide minimum soil reinforcement lengths versus wall heights, and soil parameters assumed in analysis. Estimate differential and total (long term and short term) settlements.

35.43 Design Soil Parameters for Signs, Signals, High Mast Lights, and Strain Poles and Geotechnical Recommendations

Provide the design soil profile(s) that include the soil model/type of each layer and all soil properties required by the Engineer of Record for foundation design. Review design for geotechnical compatibility and constructability.

35.44 Box Culvert Analysis

Provide the design soil profile(s) that include the soil model/type of each layer and all soil properties required by the Engineer of Record for foundation design. Review design for geotechnical compatibility and constructability. Provide lateral earth pressure coefficients. Provide box culvert construction and design recommendations. Estimate differential and total (long term and short term) settlements. Evaluate wingwall stability.

35.45 Preliminary Report - BDR

Recommendations for foundation installation, or other site preparation soils-related construction considerations with plan sheets as necessary.

An Appendix which includes SPT and CPT boring/sounding profiles, data from any specialized field tests, engineering analysis, notes/sample calculations, sheets showing ultimate bearing capacity curves versus elevation for piles and drilled shafts, a complete FHWA check list, pile driving records (if available), and any other pertinent information.

35.46 Final Report - Bridge and Associated Walls

The final structures report shall include the following:

Recommendations for foundation installation, or other site preparation soils-related construction considerations with plan sheets as necessary.

An Appendix which includes SPT and CPT boring/sounding profiles, data from any specialized field tests, engineering analysis, notes/sample calculations, sheets showing ultimate bearing capacity curves versus elevation for piles and drilled shafts, a complete FHWA check list, pile driving records (if available), and any other pertinent information.

35.47 Final Reports - Signs, Signals, Box Culvert, Walls, and High Mast Lights

The final reports shall include the following:

The results of all tasks discussed in all previous sections regarding data interpretation and analysis).

Recommendations for foundation installation, or other site preparation soils-related construction considerations with plan sheets as necessary.

An Appendix which includes SPT and CPT boring/sounding profiles, data from any specialized field tests, engineering analysis, notes/sample calculations, sheets showing ultimate bearing capacity curves versus elevation for piles and drilled shafts, a complete FHWA check list, pile driving records (if available), and any other pertinent information.

Final reports will incorporate comments from the COUNTY and contain any additional field or laboratory test results, recommended foundation alternatives along with design parameters and special provisions for the contract plans. These reports will include the following:

Draft the detailed boring/sounding standard sheet, including environmental classification, results of laboratory testing, and specialized construction requirements, for inclusion in final plans.

35.48 SPT Boring Drafting

Prepare a complete set of drawings to include all SPT borings, auger borings and other pertinent soils information in the plans. Include these drawings in the Final Geotechnical Report. Draft borings, location map, S.C.S. map and U.S.D.A. map as directed by the COUNTY. Soil symbols must be consistent with those presented in the latest Florida COUNTY of Transportation Soils and Foundations Handbook.

COMMENT NOTE—IT IS NOT POSSIBLE TO OBTAIN SOIL SAMPLES IF THERE IS NO ACCESS.

35.49 Other Geotechnical

Other geotechnical effort specifically required for the project as determined by the COUNTY, and included in the geotechnical upset limit.

35.51 Field Reviews

Identify and note surface soil and rock conditions, surface water conditions and locations, and preliminary utility conflicts. Observe and note nearby structures and foundation types.

APPENDIX # 3

EVIDENCE (IN AN EMAIL EXCHANGE BETWEEN SAM BENECK AND CITIZEN JOSH MCCART) OF THE OFFICIAL POSITION OF PASCO COUNTY IN MARCH 2018, A POSITION THAT CHANGED DRAMATICALLY FOR PHASE 2 SIX MONTHS LATER, AGAINST ALL OF THE ADVICE FROM THEIR CONSULTANTS.

Sent: Wednesday, March 28, 2018 at 10:37 AM
From: "Sam Beneck" <sbeneck@pascocountyfl.net>
To: "Josh McCart" <Sig.Nature@mail.com>
Subject: RE: Ridge Road Questions - Josh McCart

Actually, I just finished this morning. Sorry about the delay, being out for a week has not been good for my in-box.

I have entered answers to your question in your original email below. I intended for each question and answer to stand on their own but unfortunately this does result in some redundancy between responses.

Do you think a meeting or call would be helpful? I'm happy to set something up.

Cheers,

Sam Beneck
Project Manager

Pasco County Project Management

P (727) 847-2411 x1614

C (727) 753-8194
5418 Sunset Rd, New Port Richey, FL 34652

sbeneck@pascocountyfl.net

"Serving our community to create a better future."

We would love your feedback! Please click here to be directed to our online comment card.

From: Josh McCart [mailto:Sig.Nature@mail.com]
Sent: Wednesday, March 14, 2018 10:03 AM

To: Sam Beneck
Subject: Re: Ridge Road Questions - Josh McCart

Hey Sam,

I have a few more follow questions I'm hoping you can answer.

Concerning Option 1—changing Phase 2 from limited access to arterial:

1) Will the "Conversion of the segment east of the Suncoast Parkway from a Limited Access Freeway to Arterial Roadway" allow for an intersection at the Bexley ranch easement half of the way east from the Parkway to the CSX tracks? The Public Notice describes that location as Station 354+03 – 355+38 and states that "…instead of an access point, this area will be bridged." It appears that an arterial would now allow that "access point" and it may no longer be a bridge. Is that correct and is that now in the "modified" plans?

Response: The supplemental traffic analysis by itself would not allow for any of the scenarios that were accessed, but is intended to give us an understanding of how the different roadway configuration would perform in terms of evacuation time and traffic capacity of the network. **The USACE has identified Modified Alternative 7 as the preliminary Least**

Environmentally Damaging Practicable Alternative (LEDPA) and for any other alternative to be utilized it would require extensive revision of the analysis done to date in order to accommodate that change. The benefits of that change must be assessed to ensure they are worth undertaking that effort. Specific to what you mentioned, constructing an at grade intersection at Bexley Ranch easement/future Sunlake Boulevard rather than an overpass would reduce the construction cost and provide a significant mobility improvement in that area. Additionally, the Comprehensive Plan contemplates a second road between Sunlake Boulevard and the Suncoast and the overpass for this road at Ridge Road Extension could be eliminated as well.

For reference, the Vision Map from the Comprehensive Plan can be found here:
http://www.pascocountyfl.net/index.aspx?NID=1809

Bridges 17 (eastbound lanes) and 18 (westbound lanes) are to span the Bexley easement/future Sunlake Boulevard. Those bridges are still in the plans. Our plans are still completely consistent with Modified Alternative 7 and we do not currently intend to deviate from that alternative.

I noticed you called out the term "modified". Our use of that term started when the 2015 Alternatives Analysis was in development. It was discovered that one of the 17 alternatives that were defined by the USACE could be adjusted to provide a significant improvement over the original Alternative 7. **Modified Alternative 7 is therefore an 18th alternative and the name has been used ever since. If an alternative other than Modified Alternative 7 were ever pursued, the official title of that alternative would be applied to plans developed in support of that alternative**.

2) Will that new arterial roadway allow for other intersections as well in the future? For example, where Sunlake Boulevard is proposed to cross the Ridge Road extension, as well as the future crossing of Ballantrae Boulevard to the west?

Response: As was mentioned above, Sunlake Boulevard is intended to cross the Ridge Road Extension at the Bexley easement where a bridge is planned. **Ballantrae is not planned to continue north but there is another planned roadway which would intersect to the west of Sunlake. The Vision Map linked above shows this road and shows a bridge** at its intersection with Ridge Road Extension. If the County requested a different alternative that classified Phase 2 as Arterial and the USACE fully reviewed this alternative and issued a permit for it, additional access to the roadway would be permitted so long as the access spacing was appropriate for Arterial Roadways. That standard is found in the Land Development Code, Section 901.3.I. **The County has not submitted any alternatives to the**

USACE where Phase 2 is classified as an arterial roadway and there are currently no plans to do so.

For your reference, the Arterial Roadway spacing standards can be found here: http://fl-pascocounty.civicplus.com/DocumentCenter/Home/View/3865

3) Will that arterial roadway also allow for access to that ranch from the mixed-use parcel proposed to be just east of and adjacent to the Parkway?

Response: **The access to the mixed-use parcels was included in the Modified 7 Concept and is included in our construction plans.** This access was negotiated with the land owners when field work was being done on their private property. **We would not propose to remove that access point**. The supplemental traffic analysis by itself would not allow for any of the scenarios that were accessed, but is intended to give us an understanding of how the different roadway configuration would perform. There would need to be substantially more analysis done on these scenarios before the USACE would be able to make a decision on them. **The County is still pursuing Modified Alternative 7 which**

the USACE has identified as the LEDPA and does not plan to propose a different alternative.

Concerning Option 2—expanding SR 52 and removing Phase 2 (for a later time) and stopping the Mod 7 at the Parkway:

4) We have read that SR 52 was to be widened soon from 2 lanes to 6 lanes by the FDOT east of the Parkway to US 41. When is that supposed to happen and will Pasco share in the cost?

Response: The widening of SR 52 between the Suncoast Parkway and US 41 is funded for construction in 2019. The FDOT 5 year work program states that project is funding sources are State and Federal.

5) Concerning the Parkway interchange—these few questions may have to be answered after coordinating with the FDOT.

a) Will the FDOT also "modify" their plans for the interchange or are they still planning to construct a full on and off interchange that will go ½ mile east of the Parkway, as the plans show in the 2011 Public Notice?

Response: Staff from Florida's Turnpike Enterprise (FTE, a business unit of FDOT and co-applicants with Pasco for the Ridge Road Extension Section 404 Permit) have expressed a desire to construct their portion of the Ridge Road Extension Project in one phase. As was stated above, the County is still pursuing Modified Alternative 7 which the USACE has identified as the LEDPA and does not plan to change to a different alternative. If this alternative warrants further consideration coordination with our co-applicants would take place at that time.

b) If not, then do they have enough room to construct the on and off ramps east of the Parkway within the existing right of way of the Parkway?

Response: **Approximately one year ago the existing right-of-way was assessed to determine if the Suncoast Parkway interchange construction could be phased to delay right-of-way (ROW) acquisition until Phase 1 of the Ridge Road Extension. It was determined that additional ROW was needed to construct the northbound off ramp and northbound on ramp. Pasco County is responsible for all ROW acquisition costs and activities for the project.** The County has budgeted acquisition funds to acquire the necessary ROW for the interchange project.

c) And will the FDOT have enough room to construct the stormwater management ponds and toll booths described in the 2011 Public Notice?

Response: ROW acquisition will be required in order to build the Suncoast Parkway Interchange with Ridge Road Extension, inclusive of ponds. Tolling methods have changed since the 2011 public notice and the plans for the interchange are being updated to reflect the current tolling methods. Pasco County is responsible for all ROW acquisition costs and activities for the project.

d) If Phase 2 is postponed for a future date, does the FDOT have plans to stub off any access going east from the Parkway, since that will no longer be needed?

Response: As mentioned above Staff from FTE have expressed a desire to construct the FTE portion of the Ridge Road Extension Project in one phase. Pasco County does not have funding budgeted for the construction of Phase 2, east of the Suncoast Parkway. **Our intention is to construct Phase 1 and the interchange (in its entirety) upon receiving a permit. These projects may be advertised and awarded as separate projects to different contractors or advertised and awarded as a single project. The eastbound lanes would be barricaded to prevent access, similar to the way the portions of the ramps which exist today are currently barricaded.**

e) The Public Notice mentions a mixed use parcel just east of the interchange (referred to above) and adjacent to it for commercial use such as a gas station etc. Will that still be constructed as a part of or adjacent to the interchange?

Response: The plans and permits for the Ridge Road Extension do not include the construction of any commercial development.

Sent: Monday, March 12, 2018 at 2:57 PM
From: "Sam Beneck" <sbeneck@pascocountyfl.net>
To: "sig.nature@mail.com" <sig.nature@mail.com>
Cc: "Mike Wells" <mwells@pascocountyfl.net>, "Dan Biles" <dbiles@pascocountyfl.net>, "Margaret W. Smith" <mwsmith@pascocountyfl.net>, "Tambrey Laine" <tlaine@pascocountyfl.net>
Subject: Ridge Road Questions - Josh McCart

Mr. McCart,

Commissioner Wells forwarded me your list of questions regarding the County's Ridge Road Extension project. We have attempted to provide answers below. If any further information would be helpful please feel free to reach out to me directly.

1) The news media reports that a decision on the RRE is expected by the Army Corps in the late Fall of 2018. Is that correct and if so, does Pasco expect that decision to take longer or be made sooner?

   Response: **We anticipate a decision from the USACE in late 2018**. A schedule of activities is attached which forecasts completion in mid-December. The actual date may vary as certain

activities are completed sooner than or later than expected.

2) Will Pasco be reimbursed for the $1 million they have already spent for the FDOT interchange?

Response: Pasco County and Florida Turnpike Enterprise (FTE) are co-applicants in the Ridge Road Extension Permit Application. Since the permitting activities have accelerated with the identification of the preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) FTE has not had funding in the current fiscal year to complete the current activities. In order to avoid any delay Pasco County will provide funding for those activities which would otherwise be the responsibility of FTE. An agreement for reimbursement is being negotiated between Pasco County and FTE which may include other future activities.
As a point of clarity, to date $14,100 has been approved for tasks which would otherwise be the responsibility of FTE. $1 million has been set aside in the County Budget for these activities and others which may be necessary before FTE has funds available in their next fiscal year.

3) Dawson & Associates have received a large monthly paycheck for almost 4 years. Their contract expires in July 2018. If an Army Corps decision comes, as stated above, in the Fall of 2018 will Dawson's contract be extended up to that time?

Response: The County's contract with Lewis, Longman, and Walker, P.A. for which Dawson &

Associates is a sub-consultant could be extended or could be terminated within 30 days with written notice. Any decision to extend this contract beyond its current expiration would require approval of the BCC.

4) At the February 22, 2018 MPO meeting Sam Beneck told the board that Pasco was considering modifying the current Mod 7 proposal. What modifications are being considered? Please **be specific** as to what options are being considered.

Response: **Traffic analysis is being prepared which considers two possible modifications to the Modified Alternative 7 Concept which has been identified as the preliminary LEDPA:**

- **Conversion of the segment east of the Suncoast Parkway from a Limited Access Freeway to Arterial Roadway.**
- **Expansion of S.R. 52 from two to six lanes and delay of Ridge Road Extension east of the Suncoast Parkway to a future permitting effort.**

The purpose of this traffic analysis is to assess performance, in terms of evacuation and traffic capacity, of these alternatives in comparison to the Modified Alternative 7 Concept. The results of

this analysis would inform the response to the most recent USACE Request for Additional Information (RAI) and other permitting and design efforts. **The Modified Alternative 7 Concept remains the focus of all other efforts. Design plans based on the Modified Alternative 7 Concept are near 90% completion.**

5) After several trips to Washington D.C. by Pasco representatives, has Pasco been able to get federal funds for Phase 2 of the RRE project?

Response: Federal funds have not been committed to the construction of Phase 2.

6) Has Pasco ever requested that the FDOT fund Phase 2? If so, what was their answer?

Response: Pasco County has not requested that FDOT fund construction of Phase 2.

7) If the RRE is never built, can the funds set aside for that project be used for other road projects in the same transportation impact fee zone?

Response: Funding from mobility fees can be spent within the Mobility Fee Benefit/Collection District – West Zone, other committed revenue sources can be spent Countywide. **Any portion of the funds set aside for the Ridge Road Extension project which are not used for that purpose can be used for other projects that are allowable based on their source.**

8) What is the status of the 6-lane widening of Moon Lake Road? We heard that the southernmost segment (near Ridge Road) and northernmost segment (at SR 52) were to be constructed soon. We would like to know when the central segment is planned for construction.

Response: The intersection improvement at Moon Lake Road and SR 52 was completed this year. The intersection at Ridge Road/Moon Lake Road and Decubellis Road was finished last year. **Moon Lake Road widening is planned for construction in FY26/27.**

9) Does Pasco plan to ask the FDOT to fast track the 4-6 lane widening of SR 52 from US 41 east to I-75?

Response: FYI - FDOT is showing Right of Way Acquisition in their FY19-23 Work Program for SR 52 from east of US 41 to west of CR 581/Bellamy Brothers Blvd. Funding for ROW begins in FY19/20 and extends thru FY22/23. FY19/20 - $1,541,630. FY20/21 - $3,973,762. FY21/22 - $722,190. FY22/23 - $9,419,015.

10) What is the status of the SR 54 & US 41 intersection improvements?

Response: The design is almost completed. The 100% submittal is in being reviewed by FDOT. Letting for the construction is scheduled by FDOT for mid-August 2018.

10a) Is the underground tunnel suggestion for SR 54 still an option?

Response: The option of an underground tunnel is being investigated by the Metropolitan Planning Organization as part of the Vision 54/56 effort.

11) Clarification on direct and indirect cost, Right of ways, consultants, lawyers, design and engineering, estimated construction of road, land mitigation purchases to offset wetland loss... I've seen numbers between 18-24 million that has been spent so far, seems like this number changes with every article I read.

A table which details the total County funding for the project is attached. A few notes on that table:

- FY18 budgeted amount is $71.5M

- (-$1M future refund from Florida Turnpike Enterprise for interchange design)

- Prior years' budgeted amount is $19.5M

- The total spending on this project to date is $16.6M

- $6.1M of the quoted $16.6 was spent to purchase land to be conserved to compensate for the impacts of Ridge Road. An alternative method of compensation (Mitigation Bank) is now planned for the project. The purchased land could be used for other projects.

Expenditures or funding planned to cover anticipated costs of the all items you listed are all captured here. **As was mentioned before, any portion of the funds set aside for the Ridge Road Extension project which are not used for that purpose can be used for other projects that are allowable based on their source.** One detail of your question which is not covered is direct and indirect costs, as the County does not classify costs in this way. If costs have been reported as direct or indirect and you

would like clarification please forward that source and we will attempt to interpret it.

Thanks for your time and concern. If we can provide anything further please let me know.

Take care.

Sam Beneck
Project Manager

Pasco County Project Management

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C (727) 753-8194
5418 Sunset Rd, New Port Richey, FL 34652

sbeneck@pascocountyfl.net

COMMENT INSERT—EMAIL RESPONSE FROM JOSH MCCART TO SAM BENECK IN MARCH 2018.

Sam, Did you have a chance to answer the follow up questions I had? Thank you.

Sent using the mail.com mail app

On 3/15/18 at 9:02 AM, Sam Beneck wrote:

> Sorry about that, please see attached.
>
> The dates for the model versions are listed, as well as description of any adjustments.
>
> In real time, the time taken for a computer to run the model depends on the computer but I understand it is typically around 12 to 15 hours. Simulated time will vary based on scenario. For example, the "no build" run took nearly 24 hours of simulated time before the evacuation was considered "complete" whereas the Mod 7 run was complete in under 17.
>
> I'm not at my desk today but when we send the response to your questions from yesterday **I'll include the entire Alternatives Analysis so you can see all the results and really dive in.**
>
> Take care.
>
> Sam Beneck
> Pasco County Project Management
> Office (727) 834-3604
> Cell (727) 753-8194
>
> From: Josh McCart [mailto:Sig.Nature@mail.com]
> Sent: Thursday, March 15, 2018 7:17 AM
> To: Sam Beneck
> Subject: Re: RE: Ridge Road Questions - Josh McCart
>
>
> Thank you the quick responses Sam,
>
> I don't see the attached summary of the traffic analysis procedure for evacuation. Just for clarification and perhaps the attachment will answer my question, typically, how long do the traffic analysis run and are the dates listed on the summary?
> Sent: Wednesday, March 14, 2018 at 9:34 PM

> From: "Sam Beneck"
> <sbeneck@pascocountyfl.net<mailto:sbeneck@pascocountyfl.net>>
> To: "'Josh McCart'" <Sig.Nature@mail.com<mailto:Sig.Nature@mail.com>>
> Cc: "Tambrey Laine"
> <tlaine@pascocountyfl.net<mailto:tlaine@pascocountyfl.net>>
> Subject: RE: Ridge Road Questions - Josh McCart

Good evening Mr.
> McCart,
>
> Our team actually did not perform any traffic analysis in 2017 related to the Ridge Road Extension Project. There were responses sent to some Request for Additional Information (RAI) questions but the traffic analysis it was based on had been previously completed. **All of the traffic analysis that is currently being considered was either included in the 2015 Alternatives Analysis or is being conducted currently.** The analysis that is being done today uses the same data as the 2015 analysis so the results can be compared directly. I have attached a summary of the traffic analysis procedure for the evacuation and typical operation scenarios that was included in the 2015 Alternatives Analysis Report for your review.
>
> Specific to your question, to the best of our knowledge, **traffic and behavioral data of the type needed for detailed traffic modeling was not collected during the Hurricane Irma event.** The traffic models that were used in the analysis look at the entire Tampa Bay region and the traffic volume data is gathered by FDOT throughout a given year. The 2015 Alternatives Analysis and the current analysis both use 2014 traffic volume data. As stated previously, we are continuing to use the same data set for our supplemental analysis so that the results can be directly compared. The hurricane evacuation analysis model that was used is called the **Transportation Interface for Modeling Evacuations (TIME).** This model was developed as part of the Florida Statewide Regional Evacuation Study Program (SRESP). The model simulates a specified evacuation scenario and by first running the simulation with the existing road network and then making changes to the roadway network and repeating the simulation the impacts of those changes can be directly compared and quantified. The methodology for performing the traffic analysis and all other elements of the Alternatives Analysis Report was reviewed and approved by the USACE prior to the study being completed.

> I hope you don't mind, I wanted to send you this before responding to the email you sent today. I will assemble responses to your other questions as soon as possible.
>
> Take care.
>
> Sam Beneck
> Pasco County Project Management
> Office (727) 834-3604
> Cell (727) 753-8194

EMAIL RESPONSE FROM SAM BENECK:

Glad to help. Sorry there are so many different answers floating around.

That is a very good question. Let me reach out to our folks at FTE.

Sam Beneck
Project Manager

Pasco County Project Management

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"Serving our community to create a better future."

We would love your feedback! Please click here to be directed to our online comment card.

From: Josh McCart [mailto:Sig.Nature@mail.com]
Sent: Thursday, **March 29, 2018 9:13 AM**

To: Sam Beneck
Subject: Re: RE: Ridge Road Questions - Josh McCart

Hey Sam,

Thank you for all your help in answering the questions I have. It has been nice to get complete and thorough answers from one source instead of having one person tell you one thing and someone else tell you something entirely different. My only remaining concern is how long the suncoast bike trail will be closed due to the construction. I'm a cross country coach at River Ridge High School and use the bike trail with my runners all year long. I'm concerned with the two phases of construction this section at the interchange could be closed for a long time. Is there any plan to allow bikers and runners to still use this section during construction?