TAB 9

LETTER FROM KEVIN O'KANE, ACOE, APRIL 24, 2013

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

REPLY TO
ATTENTION OF

April 24, 2013

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

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

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

Dear Ms. Baker and Mr. Post:

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

The Corps is in receipt of your April 15, 2013 letter, which contains information related to the practicability of project alternatives. You have proposed to eliminate 14 of 18 identified alternatives from further evaluation, finding each impracticable based on cost, residential and business impacts, and obstacles to construction.

In our previous correspondence, we requested that you not utilize the matrix that you provided and instead base your elimination of alternatives on the Clean Water Act Section 404(b)(1) Guidelines (Guidelines). The Guidelines state that an alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes. The Corps has evaluated the provided information in the context of the Guidelines. The purpose of this letter is to convey our findings and advise you of the project alternatives that must be fully evaluated per the Guidelines with the alternatives analysis.

You have proposed the elimination of alternatives from further analysis that exceed 125% of the cost of the proposed project, resulting in the elimination of 12 alternatives based on this factor alone. This threshold is based on the contingency cost allowance of 25% employed by the Florida Department of Transportation (FDOT). The Corps believes that elimination of alternatives, based on cost, that are featured in whole or part on the Cost Affordable Long Range Transportation Plan (LRTP) is inappropriate. The vast majority of project alternatives are featured in whole or part on the Cost Affordable LRTP. The Guidelines require an analysis of all alternatives which are reasonable in terms of the overall scope and cost of the proposed project.

Your calculations indicate that construction of elevated lanes on SR-52 and SR-54 would be very costly ($746 million and $1.3 billion, respectively) in comparison to the $65 million cost of the proposed project. The Corps finds these costs to be unreasonable in terms of the overall scope and cost of the proposed project. These two alternatives (Alternatives 3 and 15 of your April 15, 2013 submittal) may be eliminated from further consideration and analysis.

You have proposed the elimination of alternatives from further analysis that exceed the average amount of residential and business impacts for the identified project alternatives, resulting in the elimination of 10 alternatives based on this factor alone. The Corps finds the elimination of alternatives from further analysis based on the average amount of residential and business impacts for the identified project alternatives to be arbitrary in nature.

You have proposed the elimination of alternatives from further analysis that require major modifications to interchanges or bridges. Specifically, you state that SR-52 and SR-54 cannot be widened past the 6 lanes given the constraints of the Suncoast Parkway. The Corps finds that use of transitional zones outside the constraints of the Suncoast Parkway renders such alternatives otherwise practicable. For this reason, the Corps finds that elimination of the affected alternatives (Alternatives 2 and 14 of your April 15, 2013 submittal) from further analysis to be inappropriate.

You have proposed the elimination of alternatives from further analysis that involve the construction of Tower Road based on easement issues associated with a Tampa Bay Water utility line. Tower Road is featured on the current LRTP and the Corps finds it inappropriate to eliminate an alternative that was clearly deemed feasible during generation of the LRTP.

In summary, based on our review of the information contained in your April 15, 2013 letter, we concur with the elimination of Alternatives 3 and 15 which involve elevated additions to SR-52 and SR-54. We disagree with your proposed elimination of all other alternatives from further analysis, as described above. We recommend that such data on cost and residential and business impacts be incorporated in your full evaluation of project alternatives, rather than a means to eliminate alternatives from consideration at this time. The alternatives that must be fully evaluated include: 1) the no-action alternative; 2) the Ridge Road Extension alignments (6B, 6D-6G); 3) improvements to (or construction of) SR-52, SR-54, Tower Road, and Ridge Road Extension that combine to provide 4 additional/new lanes[1]; and 4) a fully elevated Ridge Road Extension through the Serenova Tract.

In correspondence dated March 4, 2013, the Corps extended the time allotted for you to respond to the Corps' Request for Additional Information (RAI) dated July 23, 2012. The Corps reiterates here that full response to the July 23, 2012 RAI must be provided to the Corps no later

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

than September 30, 2013. As outlined above, the alternatives that must be fully evaluated include: 1) the no-action alternative; 2) the Ridge Road Extension alignments (6B, 6D-6G); 3) improvements to (or construction of) SR-52, SR-54, Tower Road, and Ridge Road Extension that combine to provide 4 additional/new lanes; and 4) a fully elevated Ridge Road Extension through the Serenova Tract. If you do not respond with the requested information or a justification why additional time is necessary, then your application will be considered withdrawn or a final decision will be made, whichever is appropriate. If additional time is requested, the district engineer will either grant the time, make a final decision, or consider the application withdrawn.

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

Sincerely,

OKANE.KEVIN.D.1231181438

Digitally signed by OKANE.KEVIN.D.1231181438 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=OKANE.KEVIN.D.1231181438 Date: 2013.06.24 14:26:24 -04'00'

Kevin D. O'Kane
Chief, Tampa Permits Section

cc:

Mr. Ron Miedema
Wetlands and Marine Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta, GA 30303-8960