

SECTION 4(f) DE MINIMIS DETERMINATION – OFFICIAL WITH JURISDICTION CONCURRENCE

Florida Department of Transportation

District One

North Sarasota Multimodal Connector PD&E Study

Sarasota, Florida

Financial Management Number: 442034-1

ETDM Number: 14348

Date: June 2022

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated May 26, 2022 and executed by FHWA and FDOT.



June 13, 2022

Ms. Nicole Rissler, Director
Sarasota County Parks, Recreation and Natural Resources
1660 Ringling Blvd.
Sarasota, FL 34236

**Re: North Sarasota Multimodal Connector
From N. Cattlemen Road to Lakewood Ranch Boulevard
Sarasota County, Florida
Financial Project ID: 442034-1-22-01
Department of Transportation Act (1966) Section 4(f) *de minimis* Determination**

Dear Ms. Rissler:

Sarasota County, in coordination with the Florida Department of Transportation (FDOT), is conducting a Project Development and Environment (PD&E) study to evaluate the proposed North Sarasota Multimodal Connector, a new east-west four-lane roadway and overpass crossing SR 93 (I-75) between the Fruitville Road interchange and the University Parkway interchange in Sarasota County. The new east-west overpass will require improvements along N. Cattlemen Road to accommodate a new intersection. Improvements along N. Cattlemen Road will maintain the existing four-lane divided typical section.

The project is in the Lakewood Ranch area of north Sarasota County. Lakewood Ranch is a 30,000-acre mixed-used master planned development in Sarasota County. The project is within Sections 12 and 13 of Township 36 South, Range 18 East, and Section 7 of Township 36 South, Range 19 East. The project limits cover approximately 0.6 miles. The proposed overpass crosses Interstate-75 (I-75). The project study area and project limits are shown in **Figure 1-1**.

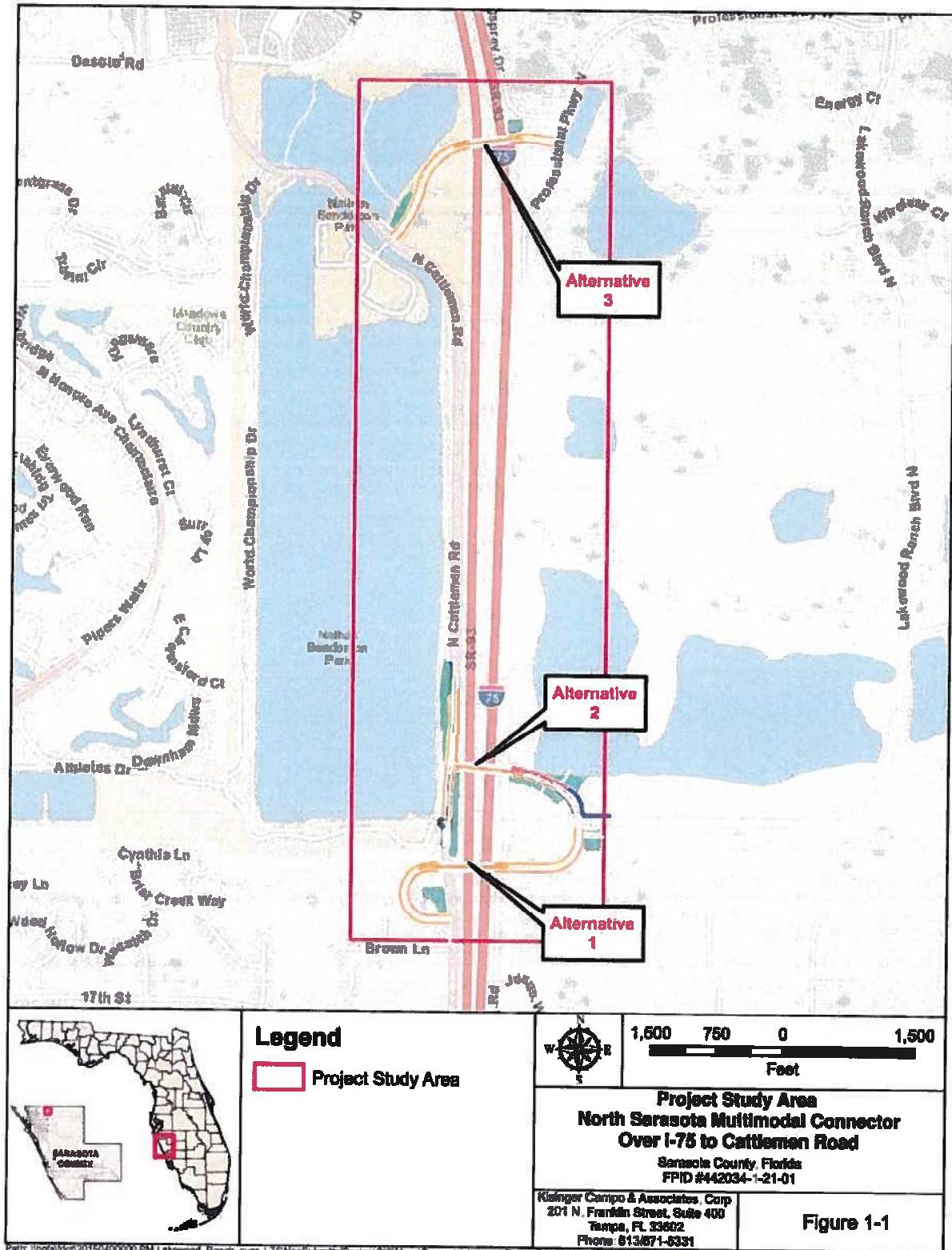
The project was evaluated through FDOT's Efficient Transportation Decision Making (ETDM) process as project #14348. An ETDM *Programming Screen Summary Report* containing comments from the Environmental Technical Advisory Team (ETAT) was published on November 9, 2018. The ETAT evaluated the project's effects on various natural, physical, and social resources. Other components of the PD&E study include a Preliminary Engineering Report (PER), concept plans, environmental studies, a public involvement program and other information for use in the development of this project.

Upon completion, the study will meet all requirements of the National Environmental Policy Act of 1969 (NEPA) as administered by the Federal Highway Administration (FHWA) and the

requirements of other federal and state laws to qualify the proposed project for federal-aid funding.

An alternatives public meeting for the North Sarasota Multimodal Connector Project Development and Environment (PD&E) study was held from November 12 to December 3, 2020, online via the project website. A total of 131 visitors accessed the project website. The public was generally supportive of the project. A total of eight comments were received during the workshop period. The formal comments submitted all addressed specific issues relating to the improvements being considered. Traffic concerns, residential impacts, noise, environmental, aesthetics, pedestrian and bicycle safety and construction were the major concerns that the community expressed.

Figure 1-1 Project Study Area



Of the public comments expressing opposition, most were against Build Alternative 1, due to residential impacts. The U.S. Environmental Protection Agency (EPA) expressed a preference for either Build Alternative 1 or Build Alternative 2 due to the higher wetland impacts proposed with Build Alternative 3. Build Alternative 2 had the most support and the least opposition as it presented the least impacts to the natural and built environment.

On March 18, 2021, Sarasota County Public Works, FDOT, Sarasota County Parks Recreation and Natural Resources (SCPRNR), and Suncoast Aquatic Nature Center Associates, Inc (SANCA) held an on-site meeting. At this meeting, the preferred alternative and the potential impacts to the Nathan Benderson Park were discussed. SCPRNR was informed that there will be an opportunity for the public to comment on this project in relation to the protected Section 4(f) resource during the project's public hearing. A follow-up meeting was held on March 15, 2022, to discuss potential Section 4(f) impacts to Nathan Benderson Park and mitigation to offset those impacts.

Another topic of the meetings was the Section 4(f) process. In compliance with the Department of Transportation Act of 1966 (Pub. L. 89-670, 80 Stat. 931) and currently 23 U.S.C. §138 and 49 U.S.C. §303, and in accordance with the FDOT PD&E Manual, Part 2, Chapter 7, Section 4(f) Resources, this project was evaluated for potential Section 4(f) involvement. The provisions of Section 4(f) apply to any significant publicly owned parks, recreation areas, wildlife and waterfowl refuges, and eligible or listed National Register Historic Place (NRHP) historic and archaeological sites.

The significance determination must consider for the Section 4(f) resource based on the significance of the entire property and not just the portion of the property being used for the project. Significance means that in comparing the availability and function of the recreation area, park, or wildlife and waterfowl refuge area with the recreational, park, and refuge objectives of that community, the land in question plays an important role in meeting those objectives. Nathan Benderson Park has been identified as being significant by the Officials with Jurisdiction (OWJ) and so it is protected under Section 4(f).

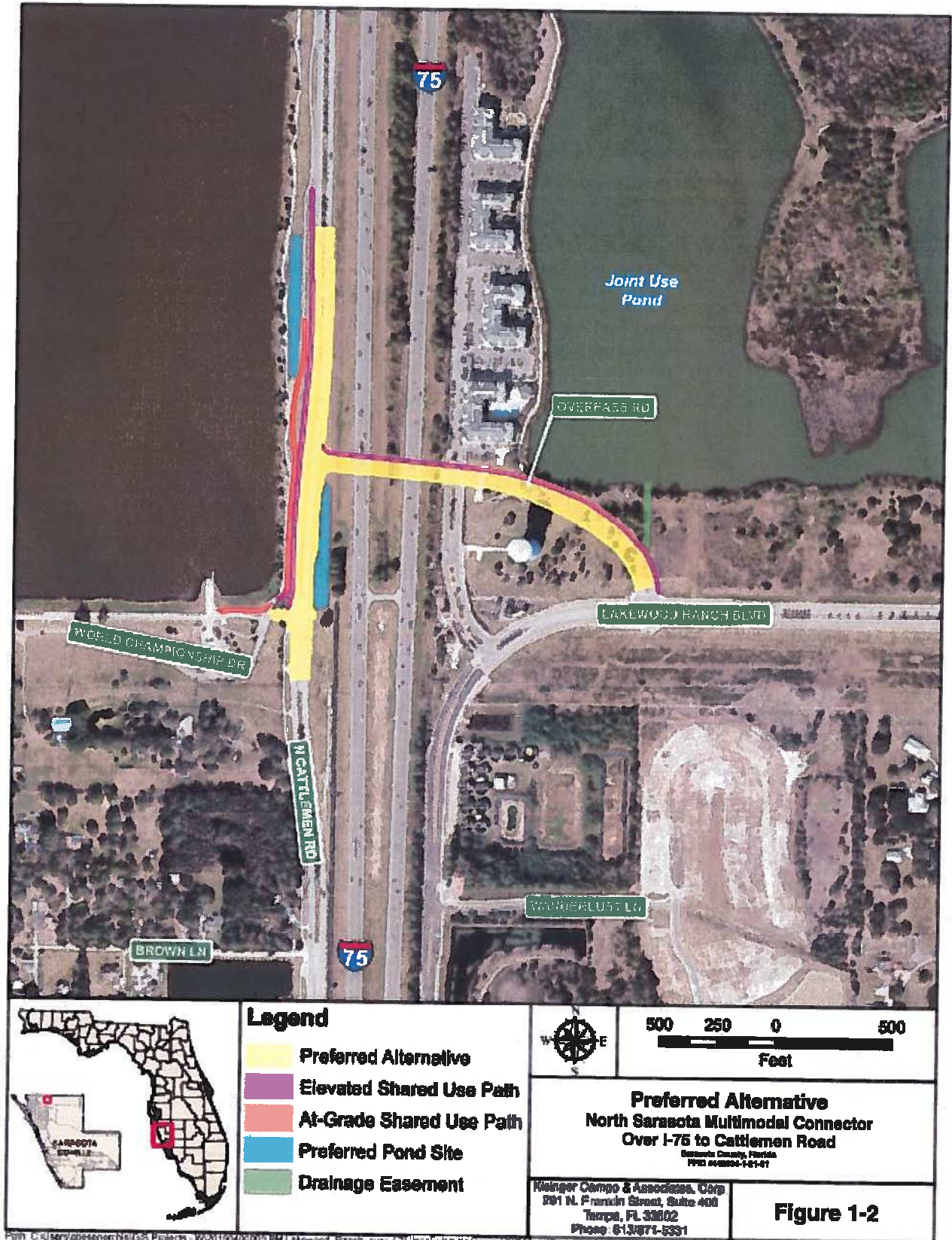
Sarasota County owns both Nathan Benderson Park and the adjacent roadway corridor, N. Cattlemen Road. There is no formal legal delineation between these two Sarasota County facilities. The Preferred Alternative impacts a short segment of the park's Bill Robinson Lakeside Loop (a 15-foot asphalt trail) and the southeast driveway.

At both meetings, the next step in the Section 4(f) process was discussed. SCPRNR was informed that Sarasota County Public Works and FDOT will be seeking a Section 4(f) *de minimis* determination for the project. This determination does not mean that the impact to Nathan Benderson Park is insignificant and is not based on quantity of impact. A *de minimis* impact is one that, after considering measures to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures), results in a determination that the project

would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f).

As shown in **Figure 1-2**, Preferred Alternative mitigation activities proposed to minimize and mitigate harm to the Nathan Benderson Park include:

Figure 1-2 Preferred Alternative



- The paved 15-foot trail will be added and elevated to connect via the 12-foot shared use path along the overpass to provide connection between the Nathan Benderson Park and the Lakewood Ranch Development.
- The existing alignment of the unpaved path and paved Bill Robinson Lakeside Loop traversing the perimeter of the lake will be modified, as needed, to maintain the 15-foot paved trail.
- Erosion along the current trails in the area of the overpass will be addressed, as appropriate.

As part of the *de minimis* determination, Sarasota County Public Works needs written concurrence from SCPRNR that after being informed of the public comments and Sarasota County Public Works and FDOT's intent to make a *de minimis* impact finding, the project (including all measures to mitigate and minimize harm) will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). Therefore, with this letter, Sarasota County Public Works and FDOT are seeking concurrence from SCPRNR that the proposed North Sarasota Multimodal Connector with its associated impacts to the Nathan Benderson Park and proposed mitigation as described in this letter will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f).

If you concur with Sarasota County Public Works and FDOT's findings, please sign and date the concurrence block at the bottom of this letter and return it to my attention at the address below. If you have any questions or concerns regarding the findings of this letter, please contact me at (941) 861-0864 or Ken Stokes kstokes@scgov.net.

Sincerely,



Ken Stokes
Infrastructure Coordination Program Manager
Public Works, Transportation

c: Spencer Anderson, P.E., Public Works Director
Donald DeBerry, P.E., Transportation Senior Manager
Michael Campo, KCA, PD&E Department Manager

I concur with the de minimis impact determination for the North Sarasota Multimodal Connector (including all measures to mitigate and minimize harm). The project will not adversely affect the activities, features, or attributes that qualify the Nathan Benderson Park for protection under Section 4(f).

Nicole Rissler

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(Signature)

(Date)

**Nicole Rissler, Director
Sarasota County Parks, Recreation and Natural Resources**