

FLORIDA DEPARTMENT OF TRANSPORTATION
SECTION 4(F) EXCEPTIONS/EXEMPTIONS DETERMINATION

850-050-46
Environmental
Management
01/19

Project Name:	South Sumter Connector Trail from Good Neighbor Trail to James A Van Fleet Trail		
FM#:	435471-1-22-01	ETDM#:	N/A
Project Review Date:	11/14/2019	FAP#:	N/A
FDOT District:	5		
County(ies):	Hernando and Sumter		

Project Description including Section 4(f) Specific Information:

The South Sumter Connector Trail is part of the 250-mile Florida Coast to Coast Trail, which will connect St. Petersburg on the west coast of the state with Titusville on the east coast. The segment being evaluated as part of this Project Development and Environment (PD&E) Study extends approximately 16 miles from the western terminus of the Good Neighbor Trail in Hernando County and located within the Croom Tract of the Withlacoochee State Forest (WSF) to the Van Fleet Trail in western Sumter County providing recreational connectivity across the Florida peninsula. The trail would consist of a twelve foot (12') wide paved multi-use path for use by non-motorized transportation modes (pedestrian, bicycle, equestrian). The Preferred Alternative for the WSF Croom Tract section extends from the Good Neighbor Trail across the Withlacoochee River via a new pedestrian/equestrian bridge, then along an existing hiking trail, under Interstate 75, continuing a short distance along an abandoned railroad before turning north to connect with County Road 673.

Type of Property: Public Parks and Recreation Areas

Description of Property: The Withlacoochee State Forest, Croom Tract is approximately 20,000 acres owned by the State of Florida and maintained by the Florida Forest Service. The primary function of the Croom Tract includes picnic areas, fishing, canoe launch, nature, hiking, equestrian and off-road bicycle trails.

Establishing Section 4(f) Exception Eligibility (from 23 CFR 774.13):

The facts of the case must match the circumstances as described below:

- Restoration, rehabilitation or maintenance of transportation facilities that are on or eligible for the National Register when:
 - (1) The Administration [FDOT] concludes, as a result of the consultation under 36 CFR 800.5, that such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, and
 - (2) The OWJ over the Section 4(f) resource have not objected to the FDOT conclusion.

- Archaeological sites that are on or eligible for the National Register when:
 - (1) The Administration [FDOT] concludes that the archaeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration [FDOT] decides, with agreement of the OWJ, not to recover the resource; and
 - (2) The OWJ over the Section 4(f) resource have been consulted and have not objected to the Administration [FDOT] finding.

- Designations of park and recreation lands, wildlife and waterfowl refuges, and historic sites that are made, or determinations of significance that are changed, late in the development of a proposed action. With the exception of the treatment of archaeological resources in §774.9(e) discovered during construction, the Administration [FDOT] may permit a project to proceed without consideration under Section 4(f) if the property interest in the Section 4(f) land was acquired for transportation purposes prior to the designation or change in the determination of significance, and if an adequate effort was made to identify properties protected by Section 4(f) prior to acquisition. However, if it is reasonably foreseeable that a property would qualify as eligible for the National Register prior to the start of construction, then the property should be treated as a historic site and does not qualify for the Section 4(f) exception.

In applying this exception, the analyst must consider whether:

 - (1) The property acquisition was completed prior to the designation or the change in the determination of significance.
 - (2) The Cultural Resources Assessment Survey (CRAS) report was considered complete and sufficient at the time of its submittal.

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- (3) The CRAS report identified the property in question as a resource that would require re-examination or that would become significant prior to construction.
- (4) The property in question is an archaeological site important primarily for the information it contains.

- Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied:
- (1) Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
 - (2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
 - (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
 - (4) The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
 - (5) There must be documented agreement of the OWJ over the Section 4(f) resource regarding the above conditions.
- Park road or parkway projects under 23 U.S.C. 204 which is the Federal Lands Access Program, providing access to transportation facilities located on or adjacent to, or provide access to Federal Lands.
- Certain trails, paths, bikeways, and sidewalks, in the following circumstances:
- (1) Trail-related projects funded under the Recreational Trails Program, 23 U.S.C. 206(h)(2);
 - (2) National Historic Trails and the Continental Divide National Scenic Trail, designated under the National Trails System Act, 16 U.S.C. 1241-1251, with the exception of those trail segments that are historic sites as defined in 23 CFR 774.17, such as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the NRHP. The term includes properties of traditional religious and cultural importance to an Indian tribe that are included in, or are eligible for inclusion in the NRHP.
 - (3) Trails, paths, bikeways, and sidewalks that occupy a transportation facility right-of-way without limitation to any specific location within that right-of-way, so long as the continuity of the trail, path, bikeway, or sidewalk is maintained; and
 - (4) Trails, paths, bikeways, and sidewalks that are part of the local transportation system and which function primarily for transportation unless they are historic.
- Transportation enhancement projects and mitigation activities, where:
- (1) The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and
 - (2) The OWJ over the Section 4(f) resource agrees in writing to the use described in (1) of this section.

Establishing Section 4(f) Exemption Eligibility (Refer to Chapter 7.3.4 for further information and criteria)

- Section 1303 of the FAST Act incorporates the ACHP Program Comment exemption for common post-1945 concrete and steel bridges and culverts into Section 4(f), eliminating review requirements for these structures under Section 4(f). This exemption applies to specific types of bridges and culverts built after 1945, including various forms of reinforced concrete slab bridges, reinforced concrete beam and girder bridges, steel multi-beam bridges or multi-girder bridges, and culverts and reinforced concrete boxes (See Section V Program Comment).
- (Section 11502 (23 U.S.C. 138(f)/49 U.S.C. 303(h)) exempts from Section 4(f) review the use of rail. The exemption to **Section 4(f)** applies regardless of whether the railroad or rail transit line, or element thereof, is listed in or is eligible for listing in the National Register of Historic Places.

The exemption applies to the following resource types which might otherwise be considered abandoned or not in use:

- Railroad and transit lines over which service has been discontinued under the process described in 49 U.S.C. 10903;
- Railroad and transit lines that have been railbanked (a voluntary agreement between a railroad company and a trail agency to use an out-of-service rail corridor as a trail until a railroad might need the corridor again for rail service as described in 16 U.S.C. 1247(d)); and

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- Railroad and transit lines that have been otherwise reserved for the future transportation of goods or passengers.

- 23 CFR 774.11(e)(2). The interstate highway system is exempt from being treated as a historic resource under Section 4(f), unless the U.S. Secretary of Transportation determines individual elements possess national or exceptional historic significance and should receive protection.
Interstate highway-related facilities in Florida determined historically significant by the Secretary of Transportation and therefore not exempt under Section 4(f) are:
 - I-275 Bob Graham/Sunshine Skyway Bridge
 - I-75 Alligator Alley- Milepost range 19.6-49.3
 - I-75 Snake Wall
 - I-95 Myrtle Avenue Overpass

- (23 CFR 774.11(h)) When a property formally reserved for a future transportation facility temporarily functions for park, recreation, or wildlife and waterfowl refuge purposes in the interim, the interim activity, regardless of duration, will not subject the property to Section 4(f).

- 23 CFR 774.11 (i) When a property is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established and concurrent or joint planning or development of the transportation facility and the Section 4(f) resource occurs, then any resulting impacts of the transportation facility will not be considered a use as defined in §774.17. Examples of such concurrent or joint planning or development include, but are not limited to:
 - Designation or donation of property for the specific purpose of such concurrent development by the entity with jurisdiction or ownership of the property for both the potential transportation facility and the Section 4(f) property; or
 - Designation, donation, planning, or development of property by two or more governmental agencies with jurisdiction for the potential transportation facility and the Section 4(f) property, in consultation with each other.

Explanation supporting the Section 4(f) property meets all of the criteria of the Exception or Exemption

Title 23 CFR Section 774.13 criteria is met, specifically: per 774.13 (g)(1) and (g)(2) Transportation enhancement activities, transportation alternatives projects, and mitigation activities, where: (1) The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and (2) The OWJ over the Section 4(f) resource agrees in writing to paragraph (g)(1) of this section.

Trail construction within the WSF Croom Tract does not create a change in land ownership; the nature and magnitude of the changes to the property do not create permanent adverse physical impacts, nor interference with protected activities, features or attributes of the property. The land will be enhanced to a condition which is at least as good as what is existing prior to the project; and there is agreement from the OWJ regarding the above conditions. The proposed Preferred Alternative fills in a gap of the Coast to Coast Trail connecting the Good Neighbor Trail on the west to the Van Fleet Trail on the east. A pedestrian/equestrian bridge crosses the Withlacoochee River providing enhanced access to recreation facilities on the east and west of the river. When complete, this project will be considered an enhancement providing a pedestrian/equestrian bridge and twelve-foot wide paved, multi-use path for use by non-motorized transportation modes including pedestrian, bicycle, and equestrian users. The improvement will provide recreational connectivity enhancement to the existing hiking trail by expanding use of and access to recreational resources throughout the WSF Croom Tract. There is no acquisition of State-owned land, no proposed easements, and construction within the WSF Croom Tract will be a small component of the overall project construction, and will not impede public access to, or use of, the WSF. The OWJ has been involved in the project since inception and has provided support for the project in a letter dated September 12, 2019 that is included as Attachment 1.

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Documentation

The following items must be attached to this form to ensure proper documentation of the Section 4(f)

Exception/Exemption:

1. DOA package (if used)
2. Required communications with the OWJ (i.e. concurrence letters) for the Exception/Exemption as applicable

Signatures

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 December 14, 2016, and executed by FHWA and FDOT.

Preparer 

Date 11/21/19


Environmental Manager, or designee

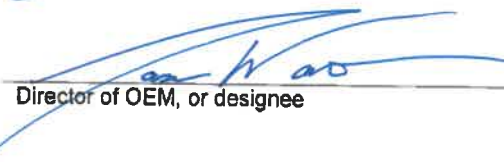
Date 11/21/19

OEM
Concurrence:


OEM Subject Matter Expert

Date 11/27/2019

OEM
Approval:


Director of OEM, or designee

Date 12/2/19

ATTACHMENT 1

OWJ Correspondence

FLORIDA FOREST SERVICE
(850) 681-5800



THE CONNER BUILDING
3125 CONNER BOULEVARD
TALLAHASSEE, FLORIDA 32399-1650

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

September 12, 2019

Mr. William Walsh
Environmental Manager, District 5
Florida Department of Transportation
719 South Woodland Boulevard
Deland, Florida 32720

Dear Mr. Walsh:

I am writing regarding the South Sumter Trail (Financial Project Number 435471-1) that will be located within the Withlacoochee State Forest. The forest includes significant recreational facilities and activities in Sumter and Hernando Counties, Florida. This trail will preserve and enhance the recreational values of these facilities as well as promote Florida's natural areas.

We support this project and look forward to working with you on developing the South Sumter Trail on Withlacoochee State Forest.

Sincerely,

James R. Karels
State Forester

cc: James Roberts, Forest Management Bureau Chief
Brian Camposano, Forest Management Assistant Bureau Chief
Todd Knapp, State Lands Supervisor
Lorna Radcliff, Recreation Coordinator

From: [Mousel, Keith](#)
To: [Graeber, David](#)
Cc: [OR-Beth Beam](#); [Morris, Vincent](#); [Cucek, Lorena](#); [Werner, Colleen](#)
Subject: RE: FPID 435471-1 - S Sumter Trail PD&E Study – Good Neighbor Trail to Van Fleet Trail
Date: Wednesday, March 27, 2019 3:44:34 PM

Looks good to me.

Keith

From: Graeber, David <David.Graeber@dot.state.fl.us>
Sent: Wednesday, March 27, 2019 8:32 AM
To: Mousel, Keith <Keith.Mousel@freshfromflorida.com>
Cc: ejbeam@transystems.com; Morris, Vincent <Vincent.Morris@freshfromflorida.com>; Cucek, Lorena <Lorena.Cucek@dot.state.fl.us>; Werner, Colleen <Colleen.Werner@freshfromflorida.com>; Graeber, David <David.Graeber@dot.state.fl.us>
Subject: FPID 435471-1 - S Sumter Trail PD&E Study – Good Neighbor Trail to Van Fleet Trail

Mr. Mousel,

Thank you for the opportunity to meet with WSF staff on Wednesday, March 6, 2019. As discussed at the meeting, we have revised the figures and summarized the analysis of alternative alignments for the section of the South Sumter Trail that traverses the Withlacoochee State Forest and are requesting your review and concurrence with the preferred alternative alignment.

Attached, please find a revised figure depicting the South Sumter Connector Trail alternative alignments that were evaluated as part of the study process through the Withlacoochee State Forest.

As discussed at the meeting the project team has evaluated five alternatives for this section of the trail. A summary of the evaluated alternative alignments are listed below:

Alternative Alignments Considered but Eliminated

- Alternative 1 (Dark Blue) - Bridge 1 – Duke Power Line – Over I-75 Interchange - CR 673
 - Due to high voltage transmission line restrictions relative to improvements within the utility right-of-way (ROW) or easement for the power line
 - Connection to CR 673 across the I-75/CR 470 interchange includes constructability issues over an interchange and within Federal Highway Administration (FHWA) limited access ROW. A pedestrian bridge over the interchange is also cost prohibitive
- Alternative 2 (Red) - Bridge 2 (Iron Bridge) – FR 13 – I-75 Interchange - CR 673
 - Partially located along Forest Road 13 (SW 113th PI) which creates pedestrian and bicyclist safety concerns
- Alternative 3 (Green) - Bridge 3 (Private Property/SARR) – FR 13 – SARR – CR 673
 - Partially located within private property that has future land development plans and partially along Forest Road 13 (SW 113th PI) which creates pedestrian and

bicyclist safety concerns

- Alternative 4 (Magenta) - Bridge 2 (Iron Bridge) – FR 13 – FR 17 – Over I-75 Interchange - CR 673
 - Dismissed for similar reasons as the Duke power line alignment and connection to CR 673 across the I-75/CR 673 interchange.

Preferred Alternative Alignment

- Alternative 5 (Cyan) - Bridge 2 – Existing Hiking Trails – Along I-75 – CR 673.
 - Crosses Withlacoochee River at Iron Bridge Day Use Area location (Bridge 2)
 - Follows an existing hiking trail and removes pedestrians and bicyclists from Forest Road 13 which is traveled by various types of motorized vehicles
 - Crosses under I-75 supporting pedestrian and bicycle safety
 - Follows WSF/private property common boundary east of I-75

Based on our discussions at the meeting held with you and your staff on March 6, 2019, Alternative 5 (Cyan) - Bridge 2 – Existing Hiking Trails – Along I-75 – CR 673 was selected as the Preferred Alignment. Please provide your review of this analysis and concurrence with the recommendation.

Again, thanks for meeting with us and for your ongoing assistance with the development and evaluation of the preferred alignment for this important regional trail segment. We are looking forward to working with you on this segment as the project moves forward into the design phase.

Kindest Regards,

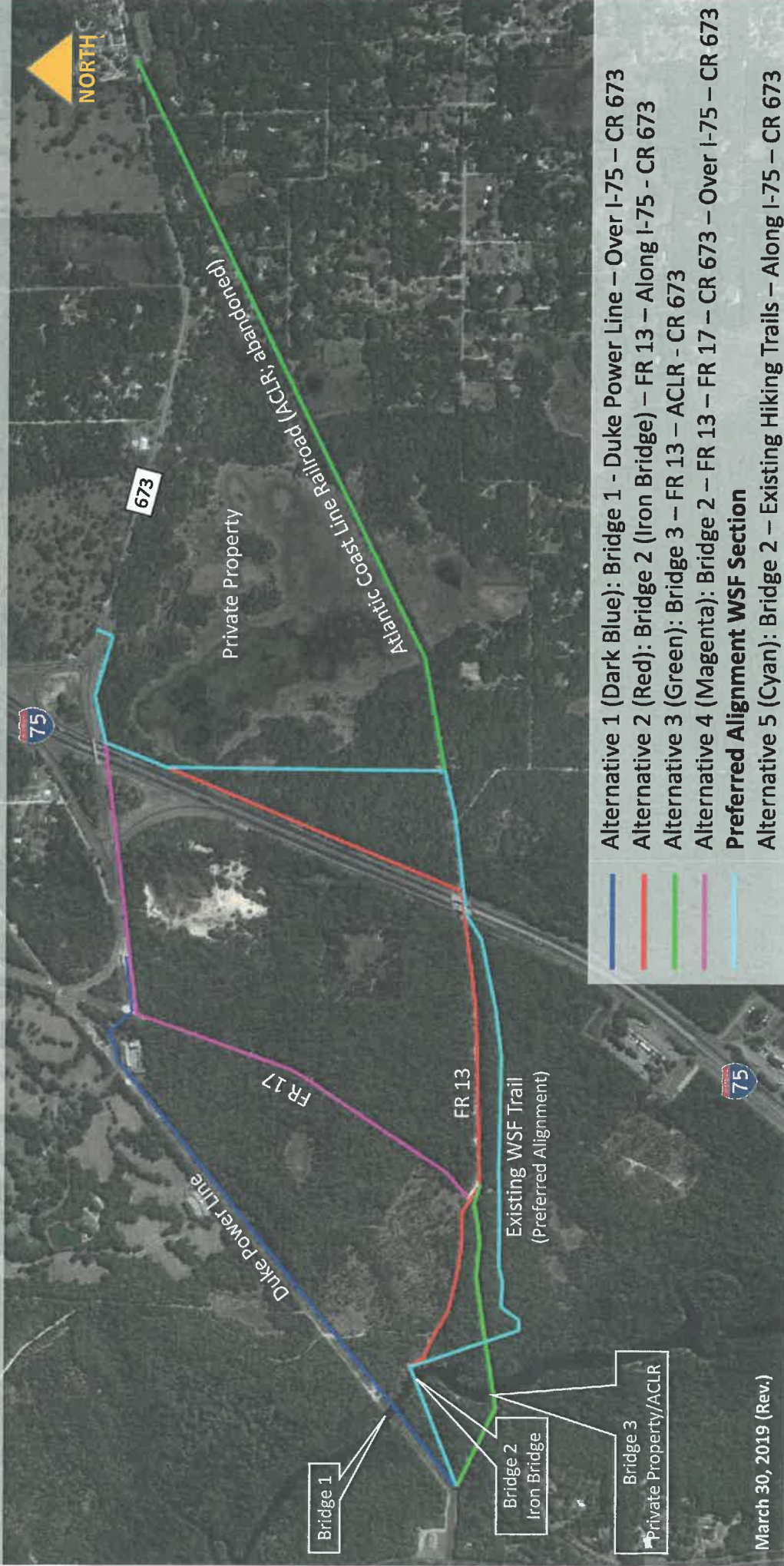
David A. Graeber, PE
Project Manager
Aspireon Consulting Group, FDOT In-House Consultant
719 South Woodland Boulevard
DeLand, Florida 32720
386-943-5182 – Office
407-506-4134 - Cell
david.graeber@dot.state.fl.us



ALTERNATIVE ALIGNMENTS

South Sumter Connector Trail - Withlacoochee State Forest Section

South Sumter Connector Trail PD&E
 FM 435471-1-1



Bridge 1

Bridge 2
 Iron Bridge

Bridge 3
 Private Property/ACLR

- Alternative 1 (Dark Blue): Bridge 1 - Duke Power Line - Over I-75 - CR 673
- Alternative 2 (Red): Bridge 2 (Iron Bridge) - FR 13 - Along I-75 - CR 673
- Alternative 3 (Green): Bridge 3 - FR 13 - ACLR - CR 673
- Alternative 4 (Magenta): Bridge 2 - FR 13 - FR 17 - CR 673 - Over I-75 - CR 673
- Preferred Alignment WSF Section**
- Alternative 5 (Cyan): Bridge 2 - Existing Hiking Trails - Along I-75 - CR 673

March 30, 2019 (Rev.)