

613 NE Emerson Street
Port Saint Lucie, Florida 34983
December 20, 2014

District Engineer
Palm Beach Gardens Permits Section
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, Florida 33410

Re: SAJ-2008-04052(SP-GGL)
Crosstown Parkway Bridge

Dear Sir:

I object to the above referenced public notice issued on December 5, 2014, proposing impacts to the Halpatioke unit of the Savannas Reserve State Park, and recommend that this application be denied with prejudice. To clarify my position; I reside along the North Fork of the St. Lucie River several miles upstream of the proposed project so my property is not directly affected. I am a retired USFWS biologist who spent 22 years reviewing and preparing comments on Corps public notices and NEPA documents.

1) The stated project purpose is transportation, yet this specific permit will not result in any transportation improvements without the remainder of the project—it cannot stand alone. Therefore, there is absolutely no valid purpose for issuing this permit. It will permanently impact the State Park unit, and obviate less impacting alternatives.

2) Issuance of a permit for this action is one of the most egregious piecemeal violations I have seen over years of reviewing projects. There is absolutely no justification for approving this permit application, particularly since it would obviate further consideration for less impacting alternative bridge routes by fixing the eastern terminus of the bridge project. It appears to be an effort to impact the Park, thus removing the major purpose of the current lawsuit against this bridge alternative. It will result in bisecting a protected State Park unit, eliminating wetlands, destroying the high quality varied habitats, and fragmenting what will remain of this State Park unit; setting an extremely dangerous precedent for the future of conservation lands in Florida.

3) The wetlands alternatives analysis and NEPA documents clearly showed a viable alternative (6A) that would not impact the park and result in lower wetland and upland habitat impacts. Alternative 6A would also avoid impacts to Evans Creek, one of the most pristine oxbows along the river that currently harbors nesting habitat for several ospreys. A bald eagle was seen soaring overhead on December 16, 2014, and the area had an active bald eagle nest within the past decade. Because of its relative isolation, Evans Creek offers the most undisturbed habitat available this low in the estuary, and it includes particularly good Essential Fish Habitat. My understanding is that public

conservation funds were used, at least in part, to purchase the Halpatioke unit. While it is sometimes in the public interest to impact protected lands; this should only be where there are no viable alternatives.

4) Issuance of this permit will fix 1C as the bridge route without appropriately following the stepwise Clean Water Act Section 404(b)(1) guidelines since avoidance and minimization were not properly addressed before accepting compensatory mitigation. Of the six alternative routes addressed in the DEIS/FEIS and alternatives analysis, 1C clearly will impact the most wetlands (direct acreage or as considered with the UMAM and WRAP procedures). Route 6A was the only route deemed acceptable to at least two of the resource agencies (USFWS and NMFS) during negotiations for this project and in their comments on the alternatives analysis.

The South Florida Water Management District and the City promoted consideration of the “worst case scenario”, which was clearly 1C as a means of proceeding with compensatory mitigation planning for the project. Upon completion of the NEPA documentation, the City opted for the most impacting Locally Preferred Alternative (LPA) with very little justification for the higher impacts. The City put forward a plan to reduce impacts to Route 1C through reduction in the footprint of the project and the use of less impacting construction techniques. These impact reductions should have been applied to any of the alternatives to make the comparison and decision valid, but were not. Apparently the resource and other agencies involved in the project tacitly agreed to proceed with this in spite of the fact that avoidance and minimization were not appropriately addressed.

5) I was puzzled by the tenacity of the City to continue with route 1C in spite of the clear Alternatives Analysis and EIS results showing less impacting routes. Typically this is because there is a hidden agenda where commitments were made prior to following the NEPA process. This generally results in the NEPA documentation being a sham, making a mockery of the NEPA and stepwise mitigation processes.

Driving through the neighborhood along Virginia Avenue, I was struck by the number of empty lots, many that previously had homes on them. I reviewed all of the lots in the neighborhood using the County Assessor’s parcel map and information. Acquisition of lots along route 1C started as early as 1996. Lot acquisitions by the City prior to 2002 from the riverfront, moving west to Floresta totaled \$850,400.00 (see attached spreadsheet for land acquisitions computations, and attached map for properties purchased by the City). More acquisitions between Floresta and the existing Crosstown terminus were completed prior to 2007, most between 2003 and 2004, for an additional \$5,499,900. This does not include the cost of removing homes.

The NEPA Environmental Impact Statement process did not start until 2006. The acquisition of these lots and commitment of these public funds were not disclosed in the EIS. Although the Corps does not generally consider property ownership or financial commitments in their analysis, these prior financial commitments strongly suggest that

the selection of Alternative 1C, the most impacting alternative, was highly biased. Note that I have included all City purchases I could find within this neighborhood, and they clearly point to a pre-selection of Alternative 1C. The Halpatioke unit of the Savannas Reserve State Park was acquired in 1994, so the City was well aware of the status of this land prior to proceeding with these plans. Instead, the City committed funds for this very damaging route at least a decade prior to starting NEPA procedures, in spite of NEPA being enacted in 1970.

In summary, apparently the NEPA process and wetland impact alternatives analysis for this project were a sham. The development of a "worst case impact scenario", ostensibly to estimate mitigation, appears to have led the agencies to forego the appropriate stepwise mitigation process. More critically, the current public notice has no "stand alone" purpose, except to piecemeal the project and obviate consideration of less impacting alternatives. It also appears to allow impacts to a State Park unit that was acquired, at least in part, with public conservation funds. The City's prior commitment of resources to what they knew was the most impacting route seriously biases their selection. The many habitat resource and water quality values of the Halpatioke unit of this State Park have been clearly established, so I won't repeat these here. I exhort you to deny this permit application with prejudice and reconsider the routing for this bridge to appropriately avoid and minimize the project impacts and uphold the intent of NEPA and Section 404 of the Clean Water Act.

Sincerely,



Beverly Yoshioka

cc:

USACE, West Palm Beach, Garret Lips, Garrett.g.lips@usace.army.mil
USACE, Chief, Regulatory Division, Jacksonville SAJ-RD@usace.army.mil
USACE, Colonel Alan Dodd, Jacksonville District, Alan.dodd@usace.army.mil
USFWS, John Wrublik, John_Wrublik@fws.gov
USFWS, Leopoldo Miranda, Assistant Regional Director, Atlanta
NOAA Fisheries, Brandon Howard, brandon.howard@noaa.gov
EPA, Ron Miedema, Miedema.Ron@epa.gov
SFWMD, Mindy Parrot, mparrott@sfwmd.gov
SFWMD, Hugo Carter, hcarter@sfwmd.gov
SFWMD, Anita Bain, abain@sfwmd.gov
FDEP, Division of State Lands, Hank Vinson, hank.vinson@dep.state.fl.us
FHWA, George Hadley, George.Hadley@fhwa.dot.gov
FHWA, Karen, Brunelle, Office of Project Management, Karen.Brunelle@dot.gov
FHWA, Luis Lopez, Environmental Specialist, District 4, luis.d.lopez@dot.gov
FHWA, Environmental Policies and Procedures, Benito.Cunill@dot.gov
Conservation Alliance of St. Lucie County, Ft. Pierce, Florida
Indian Riverkeeper, keeper@indianriverkeeper.org

Table showing PSL purchase dates of lots in the western bridge terminus subdivision, from the waterways to the existing Crosstown Parkway Terminus. Acquisitions are in two sections: from the river to Floresta Drive, and from Floresta Drive to the existing Crosstown Parkway terminus. Information from County Tax Assesor website.

Block	Lot	Date Purchased	Purchase\$
Riverfront to Floresta			
431	1	1997	\$165,000.00
	2	1996	\$71,500.00
410	11	1999	\$9,000.00
	12	1999	\$80,000.00
	14	1998	\$9,600.00
430	11	1998	\$9,300.00
411	3	2001	\$100.00
429	8	1998	\$89,000.00
	9	1998	\$89,000.00
	10	1998	\$89,000.00
	11	1998	\$89,000.00
	12	1998	\$26,100.00
	14	1998	\$26,100.00
	15	1998	\$26,100.00
412	6	1999	\$71,600.00
Sum			\$850,400.00
Floresta to existing Crosstown			
407	24&25	2003	\$130,000.00
419	21	2005	\$50,000.00
	22	2003	\$116,000.00
	25	2003	\$135,500.00
	26&27	2003	\$183,500.00
	28&29	2005	\$165,500.00
	30	2003	\$7,500.00
	31	2003	\$12,500.00
	33	2003	\$123,500.00
	34	2003	\$140,000.00
	36	2003	\$135,000.00
414	2	2004	\$123,500.00
	3	2003	\$121,800.00
	4	2003	\$121,800.00
	7	2003	\$130,400.00
	9&10	2004	\$400,000.00

	11	2003	\$127,000.00
	12	2003	\$83,400.00
	13	2004	\$130,000.00
	14	2003	\$22,000.00
415	10	2006	\$154,000.00
	11	2004	\$32,300.00
416	12	2004	\$35,000.00
	13	2008	\$274,000.00
417	14	2003	\$141,000.00
418	14	2003	\$27,000.00
	15	2003	\$168,000.00
317	1	2003	\$126,000.00
	2	2006	\$200,000.00
	6	2003	\$125,000.00
	7	2004	\$149,000.00
	11	2003	\$102,000.00
	12	2003	\$115,000.00
	13	2003	\$130,000.00
318	1	2004	\$150,000.00
	2	2003	\$11,500.00
	3	2004	\$115,000.00
	6	2004	\$35,000.00
	7	2004	\$27,000.00
	8	2004	\$35,000.00
	9	2003	\$240,000.00
	10	2003	\$199,800.00
364	5&6	2003	\$44,000.00
	7	2003	\$9,000.00
	8	2004	\$46,000.00
	9	2003	\$147,900.00
	22	2003	\$202,500.00
Sum			\$5,499,900.00
Total			\$6,350,300.00

Lots acquired by the City prior to 2007 in red. Information from Tax Assessor website.

