



June 4, 2015

Mr. Anthony Waterhouse
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33416-4680

RE: Easement No.: 560238426
Application No.: 090107-1

Dear Mr. Waterhouse:

We understand that the South Florida Water Management District will be making two decisions regarding the Route 1C bridge for the Crosstown Parkway extension in Port St. Lucie. We are writing today to register our opposition to the bridge at that location. The proposal for this bridge route has a long history, and thus we also wish to take this opportunity to remind the District of the very important rationale against the Route 1C bridge that began from the first day it was proposed and which continues to this day.

The Conservation Alliance of St. Lucie County was founded in 1972 with a mission to “protect the water, soil, air, native flora and fauna upon which all earth’s creatures depend for survival.” The mission of the Indian Riverkeeper is to “protect and restore the waters of North America’s most diverse estuary, the Indian River Lagoon, its tributaries (which include the North Fork of the St. Lucie River Aquatic Preserve), fisheries and habitats through advocacy, enforcement, and citizen action.”

We ask that the SFWMD:

- **RECOMMEND AGAINST GRANTING AN EASEMENT** to Port St. Lucie for the Route 1C Bridge to cross Sovereign Submerged Lands (SSL) of the North Fork of the St. Lucie River Aquatic Preserve, along the Route 1C corridor.
- **DENY THE ENVIRONMENTAL RESOURCE PERMIT** that is necessary for that bridge’s infrastructure to be built, along the Route 1C bridge corridor.

Why?

1. First and foremost, we love the beauty and wonders of this largest intact remnant of a relatively pristine riverine ecosystem. It is natural Florida at its very best, with tremendous aquatic, avian, flora and fauna diversity. It should remain untouched.

2. Because the North Fork of the St. Lucie River Aquatic Preserve (NFSLR-AP) as well as the Savannas Preserve State Park Buffer Preserve (BP) were established as Aquatic Preserves under Chapter 258, Part II, F.S. and as such are given significant protection under the law. Here's a partial list of relevant legal protections for APs:

- a) Re: Easement through Aquatic Preserves: An easement cannot be granted through SSL-APs if a reasonable alternative exists that could make use of an area outside of the Preserve instead. *The Route 6A alternative makes no use of either of the two Preserves at stake.*
- b) Re: Compatible Use of Aquatic Preserves: Building road and bridge infrastructure is NOT one of the ten permitted activities in APs.
- c) Re: Intent of AP Designation and its Management:
 - APs were created for both the conservation and protection of sovereignty lands and natural resources in perpetuity. Their management should insure the continuation of existing conditions so that their aesthetic, biological, and scientific values will endure for future generations.
 - APs must be preserved to *maintain the quality of their condition upon designation.*
 - APs must be managed to insure the continuation of hydrological and biologic functions, the benefits of which accrue to the public at large.
- d) Re: Additional Special Protection afforded by Outstanding Florida Waters and Class III Waters designation. Note: Route 1C crosses three protected water bodies – Evans Creek, North Fork of the St. Lucie River AP, and the Coral Reef Waterway – more than any other proposed bridge routes.
 - NO degradation of water quality is permitted.
 - Healthy and well-balanced populations of fish and wildlife must be protected.
 - Existence of endangered, threatened, species of special concern, or rare fish species in the NFSLR-AP must not be adversely affected. Since species mapping was not performed and because some of the rare and listed fish species are small and reclusive their environments should be left intact and undisturbed to exercise the greatest precautionary protections.

3. Because there are numerous highly significant ecological factors to consider, such as: (Underlined emphases are added.)

- a) The Bureau of Coastal and Aquatic Managed Areas said in re: easement request: "It is unlikely that a location with greater environmental or recreational impact could be chosen. ... The location is in the widest part of the aquatic/buffer preserve complex, impacting public lands to the greatest possible extent."
- b) According to the U.S. Army Corps of Engineers, Route 1C is the MOST ecologically damaging route considered, impacting the most and highest

- quality wetlands in this last intact and “almost pristine” wetland complex, and as such is likely in violation of the Clean Water Act.
- c) As early as 1990, the SFWMD advised the city against bridge crossings through environmentally sensitive areas within APs, and that District criteria instructs avoiding wetlands to the greatest extent possible.
 - d) According to the Florida Department of Transportation, “this (Route 1C) alternative covers much of the area designated within the 100-year floodplain.” (See Appendix D in the DEIS.)
 - e) According to the National Marine Fisheries, Route 1C is the most damaging to Essential Fish Habitat, and stated that if a build route must be chosen they would prefer Route 6A.
 - f) The Environmental Protection Agency has stated that Route 1C is “likely to introduce substantial impact on water quality.” (See Appendix D in the DEIS.)
 - g) As early as 1991 the Florida Department of Natural Resources stated that “(Route 1C) would have a severe impact on the vegetation in this area, thereby not being consistent with the management plans for the AP.”
 - h) Manatees (and other animals) use Evans Creek as a refuge. See 2009 YouTube video: Evans Creek on the St. Lucie River.

4. Because granting the easement and permit is a **violation of public trust.** Unless it can be proven that all other alternatives to the Route 1C bridge are impossible due to extreme circumstances, the public trust will be violated if this bridge is allowed to be constructed. These Preserves were purchased with taxpayer monies with the assurance, codified into law, that they would remain conserved and protected.

5. Because mitigation cannot and will not replace this part of the riverine ecosystem, along with its ecological values and ecosystem functions, its biodiversity, and most painfully obvious, its aesthetics. In any event, the bridge route causing the least ecological damage and the least (or no) taking of state parklands should be chosen.¹

6. There are available reasonable and prudent alternatives to the 1C corridor including alternative 6A and 6A spliced beam. By its own admission the City and the Florida Department of Transportation concluded that “Alternative 6A, if constructed using the pretested post-tensioned (spliced) beam bridging option, would avoid all use of Savannas Preserve and the Aquatic Preserve.”

In summary:

The facts are that the construction of the Route 1C Bridge is not in alignment with the intent nor the required management of APs. It will destroy wetlands,

¹ The Army Corps of Engineers stated in their February, 2015 letter to the city of Port St. Lucie that unless it can demonstrate that Route 1C is the Least Environmentally Damaging Practicable Alternative that it will not be able to grant the permit requested. The Corps suggests a more thorough evaluation of alternatives due to the “magnitude of the proposed impacts on a state park and conservation land,” as well as to “high functioning wetlands....”

mangroves and other vegetation, degrade water quality, adversely affect both listed and non-listed species, especially rare fish known to inhabit only the North Fork of the St. Luce River. The Buffer Preserve functions of Halpatiokee Trails and the fingerling island next to Evans Creek will either be destroyed or substantially impaired. The highly diverse native flora at Halpatiokee Trails will be destroyed. Native fauna will no longer be able to use Halpatiokee Trails and Evans Creek for protection, food, birthing, and transit. The awe-filled, serene, and beautiful aesthetics will be lost forever.

The decision has been and remains clear to staff in regulatory agencies who are courageous enough to enforce the laws. If the laws designed to protect our Preserve State Parks are to have any meaning at all the NFSLR-AP and the SPSP-BP must remain untouched by bridge infrastructure. Otherwise, we fear that an **irreversible precedent** will be set: Preserves in our state could soon be taken for incompatible uses like road and bridge infrastructure, even development, using the law-avoiding template that was created here.

For further information from our perspective:

For a more detailed analysis of the ecological harm that would be caused by the Route 1C Bridge, see our White Paper, "Our Fight to Save Two Preserve State Parks: Why Our Fight Matters: To Us and To You," attached hereto.

We urge SFWMD to perform its regulatory duty and recommend against the granting of an easement and deny the Environmental Resource Permit. Stand up to protect our Gold Medal award-winning state parks.

Thank you for your most serious consideration.

Sincerely,

Shari Anker, President
Conservation Alliance of St. Lucie County

Marty Baum, River Keeper
Indian Riverkeeper

Attachments:

1. Internal FDEP Memorandum from CAMA (Nall) to Bureau of Public Land Administration, May 25, 1999 re: proposed easement
2. Memorandum from U.S. Army Corps (Lips) to Keith & Schnars, August 7, 2012 re: 404 B1 Guidelines; Letter from U.S. Army Corps (Lips) to FDOT (Caicedo-Maddison, October 3, 2011.
3. Letter from SFWMD (Hall) to Keith & Schnars (Sims), May 18, 1990.
4. Letter from the National Marine Fisheries Service (Fay) to FDOT (Caicedo-Maddison), September 30, 2011.

5 Letter from Florida Department of Natural Resources (Harvey) to City Manager of Port St. Lucie (Cooper) in re: NFSLR CARL Project Proposed Bridge Crossings, August 9, 1991.

6. Letter to City of Port St. Lucie (Roebing) from the U.S. Army Corps (Lips), February 6, 2015.

7. White Paper from the Conservation Alliance and the Indian Riverkeeper, "Our Fight to Save Two Preserve State Parks," April 21, 2015.

8. Letter from Robert N. Hartsell, Esq., to Federal Highway Administration (Hawk, Mendez), November 5, 2013, with attachments.

cc: Robert Hartsell, Esq.

Contact Information:

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