

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TYPE 1 CATEGORICAL EXCLUSION
CHECKLIST**

650-050-12
ENVIRONMENTAL MANAGEMENT
06/17

Financial Management No. 436675-1-31-01, 436675-1-38-01

FAP No. 4851-232-P

CE Number: ☒ (c) (3) or ☐ (d) __

Title: MONROE COUNTY ROWELLS SCENIC OVERLOOK/VIEWING AREA

Work Mix: WAYSIDE PARK

District: FDOT District 6

County: Monroe County

Project Description:

The scope of this project includes clearing and grubbing; removal of existing asphalt and fencing; construction of asphalt driveway, parking spaces, pedestrian sidewalk and crosswalk, restroom facility with associated utilities, and a pedestrian pathway that runs from a 30' x 30' concrete pad near Blackwater Sound and connects with the existing trail on the north side of U.S. 1; signing and pavement markings; installation of fencing, bike rack, and parking lot lighting; landscaping, including planting and some tree removals.

Note: The items below consider the requirements described in 23 CFR § 771.117 (c) and (d) for listed Categorical Exclusions (CEs). The constraints of 23 CFR § 771.117(e) are addressed in this form for CEs identified as 23 CFR § 771.117 (c) (26), (27) and (28) or (d) list projects.

- This action **will not** induce significant impacts to planned growth or land use for the area; travel patterns; involve significant air or water quality impacts; or cause substantial controversy on environmental grounds.

☒ Verified

1. Right of Way (ROW)

Within existing ROW

Comments:

Based on a review of the plans and ETDM (GIS) layers, all improvements will be constructed and/or installed within the existing state and/or local right of way.

2. Wetland impacts that would require a permit from the U.S. Army Corps of Engineers (USACE) under the Clean Water Act, Section 404, 33 U.S.C. § 1344 and/or section 10 of the Rivers and Harbors Act:

No Wetland(s) Present/ No Impacts

Comments:

Based on a review of the plans and ETDM EST (GIS) layers, there are no wetlands within the project site. The western portion of the project site is adjacent to mangroves and the Florida Keys National Marine Sanctuary/Blackwater Sound, but no impacts to this Outstanding Florida Water (OFW) or the mangroves are anticipated. Mangrove and OFW labels have been included in the plans as appropriate. No impacts to wetlands or mangroves are anticipated as a result of this project.

3. Bridge permits required from the United States Coast Guard (USCG):

No Waterway Crossing

Comments:

Based on a review of plans, ETDM EST (GIS) layers and Google Earth, there are no navigable waterways within

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TYPE 1 CATEGORICAL EXCLUSION
CHECKLIST**

650-050-12
ENVIRONMENTAL MANAGEMENT
06/17

the project site and no impacts to the Florida Keys National Marine Sanctuary or Blackwater Sound are anticipated. Therefore, no impacts to navigation are anticipated as a result of this project.

4. **The project involves a floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths):**
No Floodplain Present / No Floodplain Impact

Comments:

Based on a review of the plans and ETDM EST (GIS) layers, the project is located within Zones AE and VE of the 100-year floodplain. This project will not: 1) affect flood heights or base floodplain limits, 2) result in increased or new adverse environmental impacts, 3) increase flood risks or damage, or 4) significantly change the potential for interruption or termination of emergency service or emergency evacuation routes. Therefore, this project will not encroach upon the base floodplain, as defined in Part 2, Chapter 13 of the Project Development and Environment (PD&E) Manual.

- 5a. **Does the project involve a Wild and Scenic River or Study River ?**
No, the project does not involve a river designated as a Wild and Scenic, or Study River

Comments:

N/A

- 5b. **Will the action involve a river on the Nationwide Rivers Inventory (NRI)?**
No, the project will not involve a river on the NRI

Comments:

N/A

6. **Section 7 of the Endangered Species Act (ESA) of 1973, as amended, or Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):**

ESA listed species and/or Essential Fish Habitat (EFH) present

[X] Determination of No Effect

Names of Species:

American crocodile (*Crocodylus acutus*) - threatened
Piping plover (*Charadrius melodus*) - threatened
Eastern indigo snake (*Drymarchon corais couperi*) - threatened
Key Largo woodrat (*Neotoma floridana smalii*) - endangered
Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*) - endangered
Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*
) - endangered
Miami-Dade/Keys plants

[X] Used key, no consultation required

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TYPE 1 CATEGORICAL EXCLUSION
CHECKLIST**

650-050-12
ENVIRONMENTAL MANAGEMENT
06/17

Names of Species:

West Indian Manatee (*Trichechus manatus*) - threatened
Wood stork (*Mycteria americana*) - endangered

Comments:

Based on a review of the plans and ETDM EST (GIS) layers, the following species may inhabit or migrate through the project area. The project is within the critical habitat for the American crocodile (*Crocodylus acutus*, threatened). The project is within the consultation area for the Key Largo woodrat (*Neotoma floridana smalii*, endangered), Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*, endangered), Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*, endangered), West Indian manatee (*Trichechus manatus*, threatened), piping plover (*Charadrius melodus*, threatened), and Miami-Dade/Keys plants, and is also within the Core Foraging Area for the wood stork (*Mycteria americana*, endangered) and the South Florida range for the Eastern indigo snake (*Drymarchon corais couperi*, threatened).

Based on the scope of work, lack of suitable habitat, and the USFWS West Indian Manatee and Wood Stork Keys, the project is expected to have No Effect on the eastern indigo snake, Key Largo woodrat and cotton mouse, Schaus swallowtail butterfly, West Indian manatee, wood stork, American crocodile, piping plover, and Miami-Dade/Keys plants. In accordance with Section 7 of the Endangered Species Act (ESA), a Determination of No Effect has been made for these species and no further coordination with resource agencies is required.

Based on a review of ETDM EST (GIS) layers, the National Oceanographic and Atmospheric Administration (NOAA) Essential Fish Habitat (EFH) Mapper and Google Earth, there is no EFH within the project area. Therefore, no impacts to EFH are anticipated.

7. **Will the action impact any properties protected by Section 4(f) pursuant to 23 CFR § 774?**
No potential Section 4(f) properties present

Comments:

As per coordination with Monroe County (the official with jurisdiction), Rowell's Marina is not considered to be a significant park. Upon review of the property, and based on the information provided in the plans and ETDM EST (GIS) layers, the Florida Department of Transportation agrees with Monroe County's statement that the Rowell's Marina property is not a significant park within the meaning of Section 4(f). Therefore, Rowell's Marina is not considered a Section 4(f) resource and there are no potential Section 4(f) properties present within the project area.

[Section 4\(f\) Form](#)

8. **Historic and/or Archaeological Resources protected under Section 106 of the National Historic**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TYPE 1 CATEGORICAL EXCLUSION
CHECKLIST**

650-050-12
ENVIRONMENTAL MANAGEMENT
06/17

Preservation Act

Determination of "No Effect"

Comments:

A cultural resources assessment survey was conducted in accordance with Stipulation VII of the Section 106 Programmatic Agreement. The review identified one cultural resource within the Area of Potential Effect. The Rowell's Marina Seawall and Jetty was considered National Register-ineligible. Therefore, it is anticipated that no historic properties will be affected. The State Historic Preservation Officer (SHPO) concurred with this finding on March 25, 2020.

The Monroe County Certified Local Government recommended that archaeological monitoring be conducted during subsurface construction activities, and the SHPO concurred with this recommendation on March 25, 2020.

[\[4 - SHPO Concurrence letter_2020-1009 \]](#) [\[5 - Rowells Marina CR Report \]](#)

9. Noise considerations

The project does not require a Noise Analysis

Comments:

Based on the scope of work, no long-term noise impacts are anticipated as a result of the project, since it is not at capacity improvement or an alignment shift. In addition, the scope of work does not involve the construction of additional through lanes or auxiliary lanes. Therefore, no impacts are expected as per 23 CFR 772; therefore, a noise analysis is not required.

10. Contamination Considerations

[X] The project was evaluated.

Comments:

A contamination impact review utilizing the FDOT District 6 Contamination Screening Tool was performed for the project corridor. The Contamination Screening Tool contains Geographic Information System layers depicting contaminated sites identified by the Florida Department of Environmental Protection. Based on said review, there are no known contaminated sites within a 500-foot radius of the project corridor. Therefore, no contamination impacts are anticipated.

[\[6 - 446675-1 Rowell Marina Contamination Certification.docx\]](#)

11. Planning Consistency

This Project was reviewed for fiscal constraint and determined to have committed, available or reasonably available funds for the implementation of all the phase(s) of the Project within the time period anticipated for completion of the Project. [23 CFR Part 450]

[\[7 - 436675-1 Rowells Marina STIP\]](#)

12. Project Commitment Record

[\[8 - FM 436675-1 Rowells Overlook Commitments Report 061620\]](#)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TYPE 1 CATEGORICAL EXCLUSION
CHECKLIST**

650-050-12
ENVIRONMENTAL MANAGEMENT
06/17

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

Signature: Steven Craig James
Environmental Manager or designee

Date: September 2, 2020



The following is a list of any supporting activities (e.g., field reviews, as appropriate, etc.), reports, or technical studies that were prepared and are included in the project file that were necessary to support the conclusions reached on the checklist:

- 1 - USFWS West Indian Manatee Key Highlighted (No Habitat) [43667513101-CE1-D6-USFWS_West_Indian_Manatee_Key_Highlighted_\(No_Habitat\)-2020-0731.pdf](#)
- 2 - 20080900_JAXESO_WOST_Key [43667513101-CE1-D6-20080900_JAXESO_WOST_Key-2020-0812.pdf](#)
- 3 - Fwd_ 436675-1 Rowell's Marina Section 4(f) - [43667513101-CE1-D6-Fwd_436675-1_Rowell's_Marina_Section_4\(f\)-2020-0610.pdf](#)
- 4 - SHPO Concurrence letter_2020-1009 [43667513101-CE1-D6-SHPO_Concurrence_letter_2020-1009_-2020-0325.pdf](#)
- 5 - Rowells Marina CR Report [43667513101-CE1-D6-Rowells_Marina_CR_Report-2020-0212.pdf](#)
- 6 - 446675-1 Rowell Marina Contamination Certification.docx [43667513101-CE1-D6-446675-1_Rowell_Marina_Contamination_Certification.docx-2020-0812.pdf](#)
- 7 - 436675-1 Rowells Marina STIP [43667513101-CE1-D6-436675-1_Rowells_Marina_STIP-2020-0812.pdf](#)
- 8 - FM 436675-1 Rowells Overlook Commitments Report 061620 [43667513101-CE1-D6-FM_436675-1_Rowells_Overlook_Commitments_Report_061620-2020-0810.pdf](#)