

SECTION 4(f) DETERMINATION OF APPLICABILITY

WEKIVA TRAIL PD&E Study

Lake County, Florida
FM No. 430975-1-28-01

Prepared for:



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1.0 INTRODUCTION

On behalf of the Lake-Sumter Metropolitan Planning Organization (LSMPO), the Florida Department of Transportation (FDOT), in consultation with the Federal Highway Administration (FHWA), is conducting a Project Development and Environment (PD&E) Study to identify viable alternatives for construction of the Wekiva Trail in Lake County (see **Figure 1**). For the portion of the trail between Tremain Street and US 441 in the City of Mount Dora in Lake County, the recommended alternative proposes to utilize the historic Seaboard Coast Line Railroad (8LA2597) corridor, which is a National Register of Historic Places (NRHP) eligible resource. The railroad corridor is an active railroad owned by CSX Railroad and operated under lease to Florida Central Railroad (FCR). In support of this PD&E study, the assessment of potential impacts to Section 4(f) resources within the project study area was evaluated.

The purpose of this report is to present the methods used and summarize the results of the Section 4(f) investigation and to document the information provided to the FHWA for their determination on the applicability of Section 4(f). This report has been prepared in compliance with 49 US Code, Section 303, and the FHWA Technical Advisory T6640.8A, Title 23 Code of Federal Regulations (CFR) Part 771.135, and the requirements set forth in FDOT's *PD&E Manual, Part 2, Chapter 13*.

2.0 PROJECT DESCRIPTION

The Wekiva Trail is a planned 15-mile, paved multi-use trail that will provide residents, hikers, cyclists, and nature enthusiasts with a regional connection between Lake, Seminole, and Orange counties. The proposed Wekiva Trail ultimately provides a gateway to the shops, restaurants, and cultural destinations of the City of Mount Dora and communities of Mount Plymouth and Sorrento. The Wekiva Trail will connect existing regional neighborhoods to thousands of acres of preservation land and natural areas, such as Rock Springs Run State Reserve, Wekiwa Springs State Park, and Kelly Park.

The design and construction of the Wekiva Trail is divided into four segments. Segment 1 is from Tremain Street in Mount Dora to State Road (SR) 46 in Sorrento, a distance of approximately 5.5 miles. Segment 2 is from SR 46 in Sorrento to Hojin Street in Sorrento, a distance of approximately 3.0 miles. Segment 3 is from Hojin Street in Sorrento to the Wekiva River, a distance of approximately 6.5 miles. The Wekiva Trail also includes a fourth segment which is called the Neighborhood Lakes Trail and will connect the Wekiva Trail starting at SR 46 to the future West Orange Trail in Kelly Park, a distance of approximately 6.3 miles. The limits of this PD&E Study include Segment 1 and Segment 2. Segment 3 is currently scheduled for design and construction as part of the Wekiva Parkway. Segment 4 is funded for design and construction as a separate project.

Alternatives

No-Build Alternative

The No-Build Alternative would not construct the Wekiva Trail. The existing railroad grade would not be directly impacted. This alternative would result in unmet bicycle and pedestrian demand and a gap in regional connectivity between east Lake County and the regional trail network. Additionally, the existing historic railroad corridor would not be protected into perpetuity as a linear historic transportation resource. The No Build Alternative is not feasible and prudent because it would neither address nor correct the transportation need cited as the NEPA purpose and need, which necessitated the proposed project.

Currently, the portion of the railroad that is eligible for listing on the NRHP and protected under Section 4(f) has been utilized by FCR as a storage facility in the past and does not serve any existing customers. Abandonment is the likely outcome for this section of railroad. If the railroad is abandoned, the underlying property would be acquired by adjacent properties. This outcome has occurred for many historic railroads across Lake County. A relevant example occurred within this project in Segment 2 where the railroad east of CR 437 was acquired by adjacent property owners and incorporated into other land uses. The No-Build Alternative would not secure the preservation of the Seaboard Coast Line Railroad Grade into perpetuity as a historic resource and would constitute demolition of the resource by neglect.

Improve the Transportation Facility in A Manner that Addresses the Project's Purpose and Need without a Use of Section 4(f) Property

Construction of the Wekiva Trail within the railroad corridor without adversely affecting the historic resource is limited by the right-of-way width, the placement of existing rails in the center of the right-of-way, and the grading of the existing railroad. The railroad right-of-way width is primarily 50-feet wide within the limits of the Seaboard Coast Line Railroad Grade. The existing rails and ballast are centered within the existing right-of-way and are generally 12-feet wide. Additionally, grading between the edge of the ballast and the adjacent properties varies from cut grading with side slopes rising to meet the adjacent properties and fill grading with the railroad side slopes dropping to meet the adjacent properties. The width of constructible right-of-way that is available between the existing rails and the side slopes of the rail bed varies from 0 feet to 19 feet. In most areas the available width is approximately 8 feet. The construction of a 14-foot-wide paved trail requires 24 feet of level construction area in order to meet design and drainage engineering criteria. A reduced trail width of 12 feet would require 22 feet of level construction area in order to meet design and drainage criteria. Any further reduction in trail width would create safety concerns and require all bicycle users to dismount and walk for this length of trail.

Therefore, construction of the trail adjacent to the railroad rails without modifying the rails is not prudent or feasible.

Alternative Trail Corridor 1-1

ATC 1-1 would follow the existing railroad grade from just west of Tremain Street to SR 46 and the end of Segment 1. This alternative would remove the existing railroad rails, re-grade the existing embankment, and construct a 14-foot-wide paved surface. Further, the historic railroad bridges would be modified and repurposed to accommodate the construction of a shared-use path surface. **This is the preferred alternative.**

Alternative Trail Corridor 1-2

ATC 1-2 would utilize a side path following local streets from the planned Tremain Street Trailhead, which is located just north of the existing railroad bridge over Tremain Street, to Round Lake Road and then it would follow the existing railroad corridor from Round Lake Road to SR 46 in Sorrento.

Starting at the intersection of Charles Avenue and Tremain Street, ATC 1-2 would improve and follow the existing trails within Grantham Point Park and Simpson Cove Park south until it reached Liberty Avenue. At Liberty Avenue, ATC 1-2 would turn east along the south side of Liberty Avenue until it reached Grandview Street. At Grandview Street, ATC 1-2 would turn north along the west side of Grandview Street until it reached East 1st Avenue. At East 1st Avenue, ATC 1-2 would turn east and follow adjacent to the south side of East 1st Avenue until it approached the interchange of US 441. At the interchange of US 441, ATC 1-2 would cross East 1st Street at the signalized intersection. On the east side of US 441, East 1st Street becomes SR 46. ATC 1-2 would cross US 441 on the north side of SR 46 and continue east along the north side of SR 46 until it reached Round Lake Road. At Round Lake Road, ATC 1-2 would cross SR 46 on the west side of Round Lake Road and continue south until it reached the existing railroad grade. At the existing railroad grade, ATC 1-2 would cross Round Lake Road and then follow the existing railroad grade east until it reached SR 46 and the end of Segment 1.

Alternative Trail Corridor 1-3

ATC 1-3 would utilize a side path following local streets from the planned Tremain Street Trailhead, which is located just north of the existing railroad bridge over Tremain Street, to US 441 and then it would follow the existing railroad corridor from US 441 to SR 46 in Sorrento.

Starting at the intersection of Charles Avenue and Tremain Street, ATC 1-3 would improve and follow the existing trails within Grantham Point Park and Simpson Cove Park south until it reached Liberty Avenue. At Liberty Avenue, ATC 1-3 would turn east along the south side of Liberty Avenue until it reached Grandview Street. At Grandview Street, ATC 1-3 would turn south along the west side of Grandview Street until it reached Johns Street. At Johns Street, ATC 1-3 would turn east on the south side of Johns Street and then south on the east side of Clayton Street until it reached Robie Avenue. At Robie Avenue, ATC 1-3 would turn east along the north side of Robie Avenue until it reached Highland Avenue. Where Robie Avenue intersects with

Highland Avenue, ATC 1-3 would cross Highland Avenue and then cross to the south side of Robie Avenue. East of Highland Avenue, ATC 1-3 would continue east on the south side of Robie Avenue until it reached US 441. A bridge would be constructed for the trail to cross US 441. East of US 441, ATC 1-3 would turn north within the US 441 right-of-way and then turn east along the existing railroad grade. Following the existing railroad grade, ATC 1-3 would continue east until it reached SR 46 and the end of Segment 1.

3.0 METHODS

The first step in a Section 4(f) evaluation is to determine if Section 4(f) applies to a particular property and to determine if the proposed project activities entail a “use” of land from that property. This is done through the preparation of a Section 4(f) Determination of Applicability for FHWA review and formal determination. The applicability of Section 4(f) is based upon a project’s use of land from property which is designated a Section 4(f) resource. In order to determine the applicability of Section 4(f), the property must represent a Section 4(f) resource, and the project or undertaking must entail a “use” of land from that property within the overall meaning of Section 4(f).

To identify potential Section 4(f) resources within the study corridor, all lands under public ownership were identified. Each of these publicly owned sites were then assessed to determine if one of the major purposes of the land is park, recreation area, or wildlife or waterfowl refuge. In addition, a review of the cultural resources assessment survey documentation was conducted to identify historic resources eligible for listing on the NRHP within the study corridor.

4.0 POTENTIAL SECTION 4(f) RESOURCES

One potential Section 4(f) resource has been identified within the study corridor: Seaboard Coast Line Railroad (8LA2597) corridor. The following is a list of information required and a description of the resource, generally consistent with the requirements of the PD&E Manual Part 2, Chapter 13 for FHWA formal Determination of Section 4(f) Applicability. Other pertinent information developed during the Section 106 process is also included.

4.1 Seaboard Coast Line Railroad (SCLR)

1. **A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property.** A location map of the portion of the SCLR to be utilized for the Wekiva Trail Segment 1 is attached as **Figure 1**. Segment 1 is from Tremain Street in Mount Dora to State Road (SR) 46 in Sorrento, a distance of approximately 5.5 miles.
2. **Size and location of the affected Section 4(f) property.** Wekiva Trail Segment 1 proposes to utilize the section of SCLR from Tremain Street in Mount Dora to SR 46 in Sorrento, a distance of approximately 5.5 miles. The portion of the SCLR determined to

- be eligible for listing in the NRHP is from Tremain Street to US 441, a distance of approximately 1.3 miles.
- 3. Ownership and managing entity of property in question; official with jurisdiction over the property for the purposes of Section 4(f).** The land on which the SCLR is located is owned by CSX Railroad and operated under lease to FCR. A Memorandum of Understanding was signed by FCR, Lake County, and the City of Mount Dora for FCR to begin the abandonment process on this section of SCLR at the request of Lake County for the purposes of trail construction. The State Historic Preservation Officer (SHPO) is considered the official with jurisdiction over the NRHP-eligible SCLR.
 - 4. Primary function of the property. Functions, locations and descriptions of available activities, features, and attributes that may qualify the property for protection under Section 4(f) (e.g., contributing historic elements and characteristics).** The SCLR from Tremain Street to SR 46 is an active railroad that has served as storage in the past but is currently unused. The construction of a trail along the recommended alignment would require abandonment of the existing active railroad; removal of the existing railroad rails, ties and ballast; minor re-grading of the profile; and construction of a 14-foot-wide paved shared-use trail. While the historic rails and ties will be removed, other historic artifacts and features directly related to this rail line will remain as part of the new trail system. These include signs, markers, railroad spur tracks, switching gears, stairs/retaining walls, and a bridge (refer to **Figures 2 and 3**). These artifacts and features will perpetuate the inter-relationship with the historic rail line, and will provide the users of the trail with visual reminders of the corridor's original use. With these extant elements remaining along the National Register-eligible portion of the SCLR, the setting, association, and feeling will also be preserved. A draft Memorandum of Agreement stipulating these minimization and mitigation measures was developed in coordination with SHPO and FHWA (attached in **Appendix A**).
 - 5. Access and usage.** There is no public access or usage of the railroad.
 - 6. Relationship to other similarly used lands in the vicinity.** The proposed Wekiva Trail will provide a critical connection between the Lake County Trails Network and the Seminole-Wekiva Trail, West Orange Trail, Coast to Coast Connector, Heart of Florida Loop, and Florida Scenic Trails. To the west, Lake County plans to extend the Tav-Dora Trail from the City of Clermont to the Tremain Street Trailhead in Mount Dora. To the east, the proposed Wekiva Trail will connect with Seminole County's Seminole-Wekiva Trail just east of the Wekiva River. To the south, Orange County plans to extend the West Orange Trail north of its current terminus in Apopka to the Orange/Lake County line with a connection through Kelly Park. This trail network will also provide alternative transportation routes for east Lake County and connect neighborhoods to schools, parks, and retail destinations.

Consultation with agencies and affected parties occurred during three Cultural Resources Committee (CRC) meetings held on January 27, 2015, October 5, 2015, and January 19, 2016. The CRC consisted of members of the LSMPO, City of Mount Dora Historic Preservation Board, City of Mount Dora Staff, FDOT District 5 and State Environmental Management Office (SEMO) staff, Lake County staff, community residents, Federal Highway Administration (FHWA), and the SHPO. The CRC meetings addressed significant resources, alternatives, potential effects, as well as avoidance, minimization, and mitigation measures.

The significance is on the entire Section 4(f) property and not of the proposed use. The Section 4(f) protected properties include three historic properties eligible for listing on the NRHP and are located within Segment 1. These historic resources consist of the Seaboard Coast Line Railroad between Tremain Street and US 441 (8LA2957), the Tremain Street Railroad Bridge (8LA4384), and the US 441 Railroad Bridge (8LA4481). The eligibility of these historic resources for listing on the NRHP is documented in the *Cultural Resource Assessment Survey (CRAS) of a portion of the Lake Wekiva Trail Project Development and Environment (PD&E) Study* (Janus Research, 2012) and in the *Cultural Resource Assessment Survey (CRAS) Addendum for the Wekiva Trail Segment 2 (Alternative 2B) Project, Lake County, Florida* (Janus Research, 2015). The SHPO concurred with the findings of the CRAS on February 13, 2013, and the CRAS Addendum on December 9, 2015. Copies of these concurrence letters from the SHPO are included in **Appendix B**. As a result of the project's adverse effect on the SCLR, a draft Memorandum of Agreement was prepared by FDOT in coordination with FHWA and SHPO (**Appendix A**). It includes stipulations for: 1) design and construction of the Wekiva Trail, 2) documentation of the SCLR, 3) salvage and reuse of existing railroad elements, and 4) public education opportunities.

7. **Applicable clause affecting the ownership (e.g., lease, easement, covenants, restrictions, or conditions, including forfeiture).** SCLR is owned by CSX Railroad and operated under lease to Florida Central Railroad. There are no other known covenants, restrictions, or conditions. A Memorandum of Understanding was signed by FCR, Lake County, and the City of Mount Dora for FCR to begin the abandonment process on this section of SCLR at the request of Lake County for the purposes of trail construction.
8. **Unusual characteristics of the Section 4(f) property that either reduce or enhance the value of all or part of the property.** Under FHWA's guidance, railroad and transit lines over which service has been discontinued under the process in 49 U.S.C. 10903, are exempt from Section 4(f) review. The exemption applies regardless of whether the railroad or rail transit line, or element thereof, is listed on or is eligible for listing on the NRHP.

5.0 CONCLUSION

Based on consultation with the SHPO, the modifications to the SCLR necessary to convert the existing railroad to a paved shared use trail will result in an adverse effect to the Seaboard Coast Line Railroad (8LA2957), but will result in no adverse effect to the Tremain Street Railroad Bridge (8LA4284) and the US 441 Railroad Bridge (8LA4481). The SHPO concurred with the findings of the *Cultural Resources Section 106 Effects Consultation Case Study Report for: Lake Wekiva Trail Project Development and Environment (PD&E) Study* (Janus Research, 2016) on June 21, 2016. A copy of this concurrence letter from the SHPO is included in **Appendix B**. As a result of this effects determination, one potential Section 4(f) resource has been identified within the study corridor – the Seaboard Coast Line Railroad (8LA2597).

Use of historic transportation resources where consultation with the SHPO results in the determination of no adverse effect are exempt from Section 4(f) per 23CFR774.13(a) as discussed in *FHWA Section 4(f) Policy Paper, Part II – Questions and Answers Regarding Section 4(f) Applicability and Compliance, Question 8A* (FHWA July 2012). Further, Section 11502 of the Fixing America's Surface Transportation (FAST) Act exempts the use of historic railroad lines and elements, exclusive of stations and certain bridges and tunnels, from Section 4(f) regardless of whether they are listed / eligible for listing on the NRHP, as discussed in *Section 4(f) Guidance and Legislation Documents* (FHWA March 30, 2016).

In conclusion, the Wekiva Trail project will have an overall benefit to the historic resources in the project area, as concurred on by FHWA and SHPO. Based on the recent legislation, the FDOT District 5 requests that a determination of non-applicability of Section 4(f) be applied to the Wekiva Trail project.

FIGURES



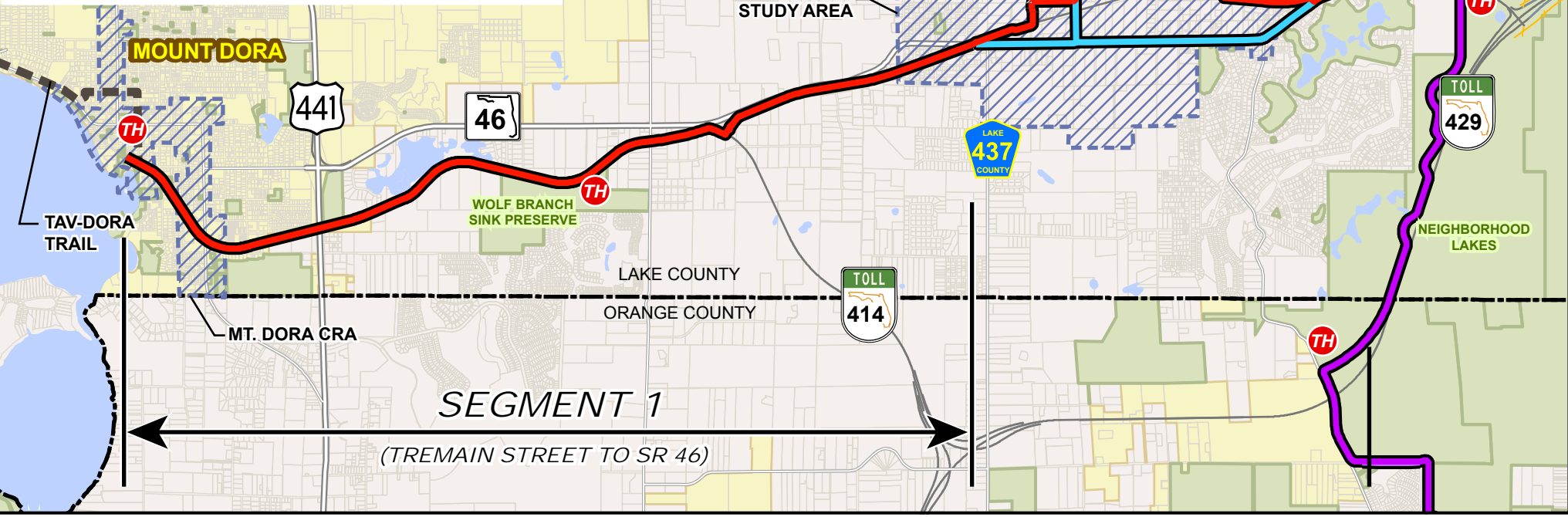
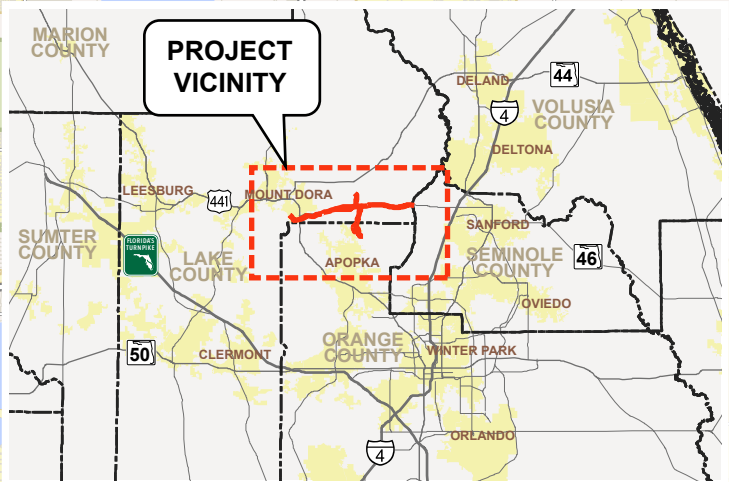
44



NORTH

LEGEND

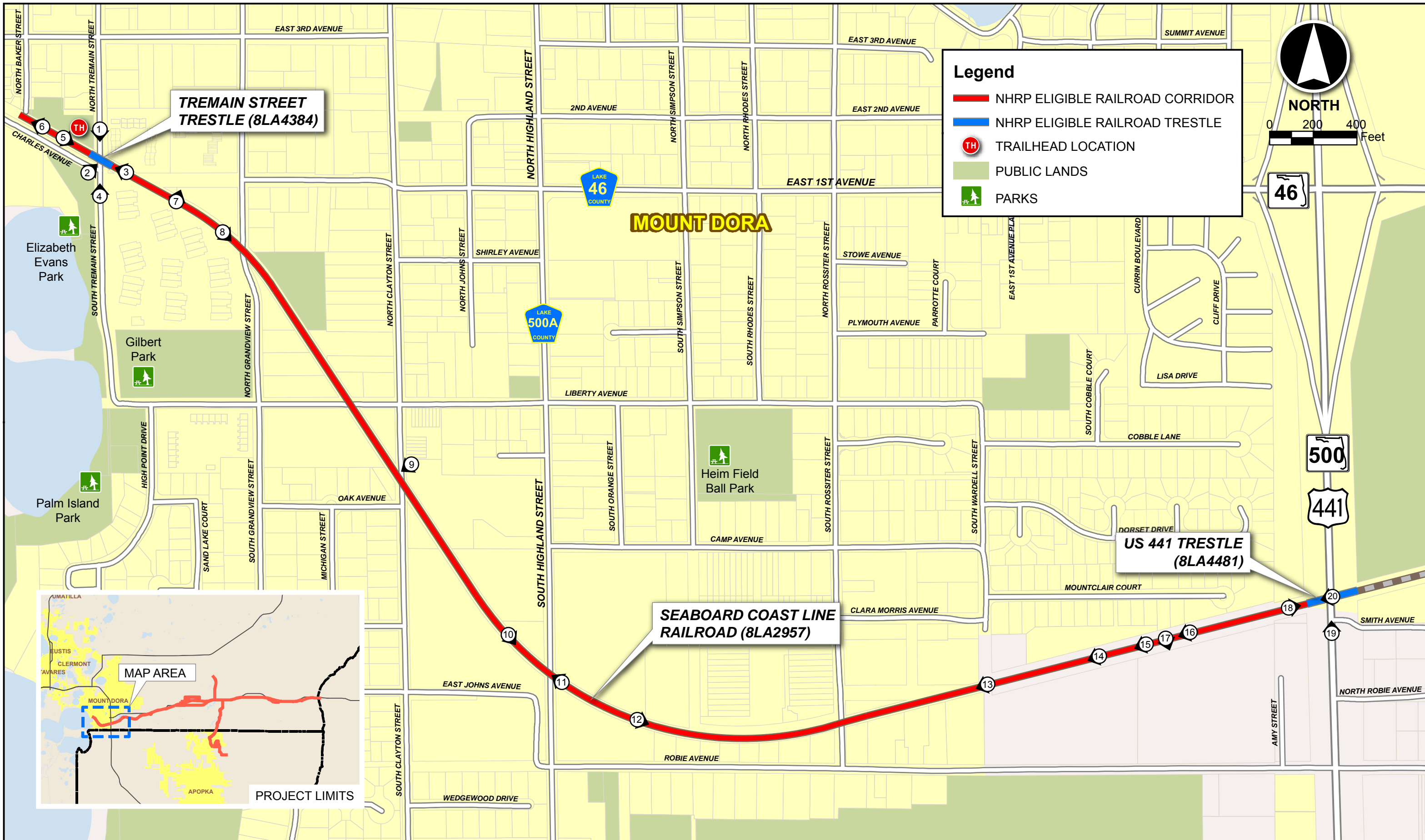
- WEKIVA TRAIL PD&E STUDY - PROJECT LIMITS
- WEKIVA TRAIL - SEGMENT 3 - BY OTHERS
- SORRENTO BLVD TRAIL - BY OTHERS
- WEKIVA TRAIL SEGMENT 4 (NEIGHBORHOOD LAKES TRAIL) - BY OTHERS
- SR 46A CONNECTOR TRAIL - BY OTHERS
- PLANNED TRAIL
- TH TRAILHEAD LOCATION
- PUBLIC LAND
- CITY LIMITS
- CRA BOUNDARY



WEKIVA TRAIL PD&E STUDY
 FROM TREMAIN STREET IN MT. DORA
 TO HOJIN STREET IN SORRENTO
 FPID: 430975-1-28-01 Lake County, FL

PROJECT LOCATION MAP

FIGURE
1



FPID: 430975-1-28-01
Lake County, FL

**WEKIVA TRAIL PD&E STUDY
SEGMENT 1
FROM TREMAIN STREET TO SR 46**

HISTORIC RESOURCES MAP



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Lake County, FL

**WEKIVA TRAIL PD&E STUDY
SEGMENT 1
FROM TREMAIN STREET TO SR 46**

**HISTORIC RESOURCES MAP
PICTURES**

FIGURE
3

APPENDIX A

Seaboard Coast Line Railroad
From Tremain Street to US 441 in the City of Mount Dora
Lake County, Florida

**MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION AND THE FLORIDA STATE
HISTORIC PRESERVATION OFFICER
REGARDING THE SEABOARD COAST LINE RAILROAD
BETWEEN TREMAIN STREET AND US 441 IN MOUNT DORA, LAKE COUNTY,
FLORIDA**

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA), proposes to provide financial assistance for construction of Segments 1 and 2 of the Wekiva Trail - a shared-use path from Tremain Street to Hojin Street - within the City of Mount Dora and unincorporated areas of Lake County, Florida (Florida Department of Transportation Financial Project Identification Number 430975-1-28-01 and Federal Aid Project Number 886-128-A) (the Project); and,

WHEREAS, the undertaking consists of removing the existing historic Seaboard Coast Line Railroad (SCLRR) rails and cross-ties; re-grading the existing embankment and construction of a fourteen-foot-wide, asphalt paved, shared-use trail; and modifying the existing historic railroad bridge over US 441 and existing historic railroad bridge over Tremain Street to accommodate pedestrian and bicycle users; and,

WHEREAS, the FHWA and the Florida State Historic Preservation Officer (SHPO) have determined that SCLRR, which is recorded in the Florida Master Site File (FMSF) as 8LA2957, is eligible for listing in the National Register of Historic Places (NRHP); and,

WHEREAS, the elements that form the SCLRR are owned by Florida Central Railroad (FCRR); and,

WHEREAS, the FHWA has consulted with Florida SHPO pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act [16 U.S.C. Section 470(f)], and has determined that the proposed project will have an adverse effect on the SCLRR and that the consultation efforts have been documented within the *Cultural Resources Section 106 Effects Consultation Case Study Report for: Lake Wekiva Trail Project Development and Environment Study*, hereafter referred to as the Section 106 Report; and,

WHEREAS, the Florida Department of Transportation (FDOT) has participated in the consultation and has been invited to concur with this Memorandum of Agreement (MOA); and,

WHEREAS, the Cultural Resource Committee established during the Project Development and Environment (PD&E) Study shall continue on as the Design and Aesthetics Committee, and shall be comprised of representatives from FHWA, SHPO, FDOT, Lake County, the City of Mount Dora and the public; and

WHEREAS, the public has been afforded the opportunity to express their opinion regarding mitigation options as documented in the Section 106 Report; and

WHEREAS, the proposed Wekiva Trail project will ensure the preservation of the SCLRR corridor into perpetuity as a historic linear resource; and,

NOW THEREFORE, FHWA and the Florida SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in consideration of the effects this undertaking will have on the referenced historic property:

STIPULATIONS

FHWA will ensure that the following measures are carried out.

I. Design and Construction of the Project

- A. The project shall be constructed in the existing alignment of the SCLRR. There will be no changes to the project as proposed in the Section 106 Report (April 2016) without consultation with the FHWA and the SHPO, pursuant to Stipulation VIII.D.
- B. A project Design and Aesthetics Committee will be established to continue consultation with locally interested parties, which may include local preservation staff and any consulting parties with an interest in preservation, FHWA, and the SHPO, to provide input on the design of interpretive displays, re-use of historic elements, and design of the SCLRR US 441 Bridge and Tremain Street Bridge.
- C. Should there be any substantive alterations to the project design that could result in adverse effects to historic resources not addressed in this Agreement, FDOT shall notify FHWA who will notify the SHPO of these alterations and provide the SHPO with an opportunity to review and comment on the alterations.

II. Documentation of the Seaboard Coast Line Railroad

- A. Prior to the salvage of the engineering elements and modification to the railroad corridor and bridges, the following documentation of the SCLRR (FMSF No. 8LA2957), SCLRR US 441 Bridge (FMSF No. 8LA4481), and Tremain Street Bridge

(8LA4384) will be performed in accordance with Level II Historic American Engineering Record (HAER) standards:

1. Drawings – Select drawings of the existing railway and bridge plans, as available, scanned and provided in an acceptable digital format (i.e., jpg files).
 2. Photographs – Photographs with large-format negatives of context and views from all sides of the railway, and the two bridges including the bridge approaches, roadway and deck views, and noteworthy features and details including existing railway items found along the railway corridor. All negatives and prints will be processed to meet archival standards.
 3. Written Data – Report with narrative description of the railway and bridges, summary of significance, and historical context (primarily derived from the Cultural Resource Assessment Survey – *Cultural Resource Assessment Survey of a Portion of the Lake Wekiva Trail Project Development and Environment Study* (December 24, 2012) and *Cultural Resource Assessment Survey Addendum for the Wekiva Trail Segment 2 (Alternative 2B) Project* (November 2, 2015).
- B. FDOT will provide all copies of the documentation completed in accordance with Stipulation II.A for review and distribution. Construction shall not commence until all documentation has been approved by the parties listed below. FDOT will submit the documentation to the parties as follows:
1. An archival copy to the U.S. Department of Interior, National Park Service Southeast Regional Office for review and approval prior to removal of the railway elements, per HAER guidelines; and
 2. An electronic digital copy to FHWA; and
 3. An archival copy and an electronic digital copy to the SHPO for inclusion in the Florida Archives and the FMSF; and
 4. A non-archival copy to the Mount Dora Historic Preservation Board.

III. Salvage and Reuse of Existing Railroad Elements

- A. Representative, significant engineering elements from the SCLRR will be identified and salvaged. These elements may be incorporated into the design interpretive displays, left in place within the trail corridor, or displayed in accordance with paragraph C of this Section. The identification and reuse of these historic elements will be determined in coordination with the project Design and Aesthetics Committee,

which includes FHWA and SHPO, per Section I.B of the Stipulations of this document. Construction may begin upon final acceptance of the Design and Aesthetics Committee.

- B. The railroad elements identified for salvage will be removed in a manner that minimizes damage and stored in an area protected from human and natural damage until elements can be reused on the trail project or elsewhere displayed in accordance with paragraph C of this Section. Any restoration of railroad elements identified for salvage shall be completed in accordance with Secretary of the Interior (SOI) standards in consultation with SHPO.
- C. If during construction it is determined that the existing railroad elements identified by the Design and Aesthetics Committee are not salvageable for reuse into the design of the new trail project, selected intact elements will be salvaged for display in a location identified by the Mount Dora Historic Preservation Board and within the vicinity of the trail project.
- D. Any railroad element identified by the Design and Aesthetics Committee to be salvaged shall be coordinated with FCRR prior to removal of rail elements as indicated in an MOA signed by FCRR, Lake County and the City of Mount Dora that was executed on November 30, 2012. If any of the identified elements cannot be salvaged or reused, the Design and Aesthetics Committee will reconvene to determine an alternative mitigation path.

IV. Public Education

Information regarding the SCLRR suitable for inclusion in interpretive displays to be located along a public trail corridor will be developed. This information will provide a historical account of the railroad to educate the public on its history. The educational interpretive displays will be designed to reasonably withstand exposure to prolonged normal local weather conditions. The number and content of the panels will be determined by the Design and Aesthetics Committee.

V. Archaeological Monitoring/Discoveries

FDOT, in consultation with the FHWA and the SHPO, will ensure efforts to avoid, minimize, or mitigate adverse effects to any significant archaeological resources inadvertently discovered during the Project are addressed in accordance with 36 CFR 800.13(b). All records resulting from archaeological discoveries shall be handled in accordance with 36 CFR 79 and shall be submitted to the SHPO.

VI. Maintenance

The proposed trail facility and associated salvaged railroad elements, educational interpretive displays and other mitigative elements shall be maintained by the City of Mount Dora as per the terms of a Maintenance Agreement between the City of Mount Dora and Lake County that was executed on **September xx, 2016** and is attached to this document.

VII. Professional Qualifications

All architectural history work carried out pursuant to this Agreement shall be conducted by, or under the direct supervision of, a person or persons meeting the Secretary of the Interior's Professional Qualifications Standards for Architectural History (48 FR 44738-9); and all archaeological work carried out pursuant to this Agreement shall be conducted by, or under the direct supervision of, a person or persons meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (48 FR 44738-9).

VIII. Administrative Stipulations

- A. Should any signatory party to this Agreement object in writing to FHWA regarding any action carried out or proposed with respect to the undertaking or implementation of the Agreement, FHWA shall consult with the objecting party to resolve the objection. If after initiating such consultation FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection to the Advisory Council on Historic Preservation (ACHP), including FHWA's proposed response to the objection. Within 30 days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
1. Provide FHWA with written concurrence of the agency's proposed response to the objection, whereupon FHWA will respond to the objection accordingly;
 2. Provide FHWA with recommendations, which the agency will take into account in reaching a final decision regarding its response to the objection; or
 3. Notify FHWA that the objection will be referred for comment pursuant to 36 CFR Part 800, and proceed to refer the objection and comment. FHWA shall take the resulting comment into account in accordance with 36 CFR Part 800 and Section 110 (1) of the NHPA.
- B. Should the ACHP not exercise one of the above options within 30 days after receipt of all pertinent documentation, FHWA will assume the ACHP's concurrence in its proposed response to the objection and will respond to the objection accordingly.

Seaboard Coast Line Railroad
From Tremain Street to US 441 in the City of Mount Dora
Lake County, Florida

Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute.

- C. If the terms of this Agreement have not been implemented within 20 years of the effective date of this Agreement as stipulated in Section VIII.E, this Agreement will be considered null and void. In such event, FHWA will so notify the signatories to this Agreement, and if they choose to continue with the undertaking, the FHWA shall reinstate review of the undertaking in accordance with 36 CFR Part 800.
- D. Any signatory party to this Agreement may request that it be amended, whereupon the signatory parties will consult in accordance with 36 CFR Part 800.6 to consider such an amendment. All parties must signify their acceptance of the proposed changes to the Agreement in writing within 30 days of their receipt. This Agreement shall only be amended by a written instrument executed by all the parties. The amendment will be effective on the date of signature of the last party to sign the amendment. When no consensus can be reached, the Agreement will be terminated.
- E. The effective date of this Agreement will be the date of the last signature. The signatory parties agree this Agreement shall continue in full force until it is amended or terminated, as provided in Stipulations VIII.D and VIII.C, respectively

Seaboard Coast Line Railroad
From Tremain Street to US 441 in the City of Mount Dora
Lake County, Florida

Execution of this MOA by the FHWA, FDOT and Florida SHPO, and implementation of its terms, provides evidence that the FHWA has taken into account the effects of the Project on historic properties, and FHWA has satisfied the requirements of Section 106 of the National Historic Preservation Act [16 U.S.C. 470(f)].

Federal Highway Administration

Approved: _____ Date: _____
James Christian, P.E.
Division Administrator

Florida State Historic Preservation Officer

Approved: _____ Date: _____
Timothy A. Parsons, Ph.D., RPA
State Historic Preservation Officer

Florida Department of Transportation

Concurred: _____ Date: _____
Noranne B. Downs, P.E.
District Five Secretary

APPENDIX B



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 S. Woodland Blvd.
DeLand, FL 32720

ANANTH PRASAD, P.E.
SECRETARY

January 7, 2013

Mr. David Hawk, Acting Administrator
Federal Highway Administration
Florida Division
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Attention: Ms. Cathy Kendall

Re: Cultural Resource Assessment Survey of a Portion of the Lake Wekiva Trail Project
Development and Environment Study, Lake County, Florida
FPID: 430975-1-28-01

Dear Ms. Kendall:

Please find enclosed the Cultural Resource Assessment Survey (CRAS) Technical Memorandum for the Lake Wekiva Trail Project Development and Environment (PD&E) Study in Lake County. In anticipation of future federal funding, this assessment was designed and implemented to comply with Section 106 of the *NHPA of 1966* (Public Law 89-655, as amended), as implemented by 36 CFR 800 (*Protection of Historic Properties*, effective January 2001); Chapter 267, *Florida Statutes*, Chapter 1A-46 (*Archaeological and Historical Report Standards and Guidelines*), *Florida Administrative Code*. Principal Investigators meet the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44716) for archaeology, history, architecture, architectural history, or historic architecture. The objective of this survey was to identify cultural resources within the project area of potential effect (APE) and assess their eligibility for listing in the National Register of Historic Places (National Register) according to the criteria set forth in 36 CFR Section 60.4.

Enclosed you will find the following documents:

- Two copies of the Technical Memorandum: one for the State Historic Preservation Office (SHPO) and one for your files,
- One CD containing photographs for the SHPO,
- One set of original (unbound) Florida Master Site File (FMSF) forms for the SHPO, and
- A completed Survey Log (unbound) for the SHPO.

RECEIVED

RECEIVED
BUREAU OF
HISTORIC PRESERVATION
2013 FEB - 1 P 1:37

The Wekiva Trail is a proposed multi-use trail facility in the area of the Wekiva Parkway that will link three existing trails in Orange (West Orange Trail), Lake (Tav-Dora Trail), and Seminole (Seminole Wekiva Trail) counties. Prior to the initiation of this study, the Florida Department of Transportation (FDOT), District Five coordinated with the Florida Division of Historical Resources (FDHR)/SHPO regarding the scope of work and the APE. During this coordination, FDOT noted that much of the proposed Wekiva Trail follows an abandoned railroad corridor, was the subject of a feasibility study, or is within or in proximity to the proposed Wekiva Parkway APE. Based on this, FDOT and SHPO determined that the scope of work would include a limited reconnaissance survey of portions of the proposed trail that were not included in the previously conducted Lake Wekiva Feasibility Study or the Wekiva Parkway CRAS. The SHPO and FDOT also agreed that the APE would be confined to the railroad corridor or the width of the proposed trail in areas where no railroad existed.

No archaeological resources were identified during this survey. Background research, aerial analysis, and the field reconnaissance survey resulted in the identification of a previously unrecorded segment of the Seaboard Coast Line Railroad (8LA2957), which is considered eligible for inclusion in the National Register, and the Railroad Bridge over Tremain Street (8LA4384), which is considered a contributing resource to the Seaboard Coast Line Railroad (8LA2957).

Please process the attached report and accompanying documentation to the SHPO for their concurrence. The second copy of the report is for your files. If you have any questions regarding the subject project, or if I may be of assistance, please contact me at 386-943-5411.

Sincerely,



William G. Walsh
Environmental Administrator/Project Manager
FDOT, District Five

Enclosure

The FHWA finds the attached Cultural Resources Assessment Survey Technical Memorandum complete and sufficient and approves / does not approve the above recommendations and findings.

The FHWA requests the SHPO's opinion on the sufficiency of the attached report and the SHPO's opinion on the recommendations and findings contained in this cover letter and in the comment block below.

FHWA Comments:

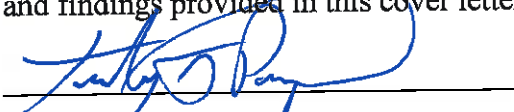
for /s/ 

1/31/13

Date

David Hawk
Acting Division Administrator
Florida Division
Federal Highway Administration

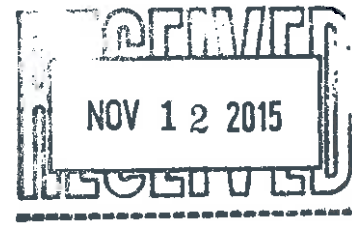
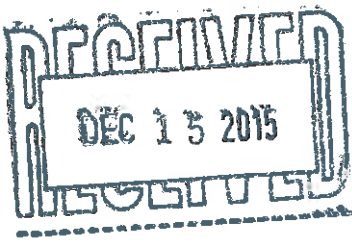
The Florida State Historic Preservation Officer finds the attached Cultural Resources Assessment Survey Technical Memorandum complete and sufficient and concurs with the recommendations and findings provided in this cover letter for SHPO/DHR Project File Number 2013-356.



2/13/13

Date

Robert F. Bendus
State Historic Preservation Officer
Florida Division of Historical Resources



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

719 S. Woodland Blvd.
DeLand, FL 32720

**JIM BOXOLD
SECRETARY**

November 10, 2015

Mr. James Christian, Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Florida Division Office
3500 Financial Plaza, Suite 400
Tallahassee, FL 32312

RECEIVED
BUREAU OF
HISTORIC PRESERVATION
2015 DEC 3 P 2:00

Attention: Mr. Joseph Sullivan

RE: Cultural Resource Assessment Survey Addendum for the Wekiva Trail Segment 2
(Alternative 2B) Project, Lake County, Florida
Financial Management # 430975-1

Dear Mr. Christian,

Please find enclosed an unbound copy of the Cultural Resource Assessment Survey (CRAS) Addendum for the Wekiva Trail Segment 2 (Alternative 2B) Project in Lake County, Florida, an unbound Survey Log Sheet, unbound Florida Master Site File (FMSF) forms, and a CD containing photographs and electronic versions of these documents. This project is federally funded and was conducted in accordance with Section 106 of the *National Historic Preservation Act (NHPA) of 1966* (Public Law 89-655, as amended), as implemented by 36 CFR 800 (*Protection of Historic Properties* and Chapter 267, F.S.

In November of 2012, the *CRAS of a portion of the Lake Wekiva Trail PD&E Study* was prepared by Janus Research, in association with Inwood Consulting, Inc. and the FDOT, District Five. Since this time, the project limits have been updated, and this addendum is needed in order to identify any additional cultural resources within the updated project area of potential effect (APE) and assess their eligibility for listing in the National Register of Historic Places (National Register) according to the criteria set forth in 36 CFR Section 60.4. It should be noted that one historic resource located outside of the segments addressed in this memorandum, the Seaboard Coast Line Railroad Bridge, was also documented as part of this CRAS addendum. This resource was located within the previous study area of the *CRAS of a portion of the Lake Wekiva Trail PD&E Study, Lake County, Florida*. As this resource is now historic and requires documentation, it is included within this CRAS Addendum.

The current alternative project limits are from 214 feet east of Vine Street in downtown Sorrento to the northeast corner of Wolf Branch Road/Wallick Road and CR 437/Plymouth Sorrento Road and from the northeast corner of Wallick Road and Hilldale Avenue to Hojin Street. The intent

Mr. Christian
November 10, 2015
Page 2

of the study is to conduct the necessary analysis of environmental impacts associated with the construction of a 12 to 14-foot-wide paved multi-use regional trail.

The CRAS Addendum resulted in the identification of five historic resources, two of which are previously recorded (Seaboard Coast Line Railroad Grade [8LA2957] and SR 46 [8LA3584]) and three of which are newly recorded (31815 CR 437 [8LA4478], 31925 CR 437 [8LA4479], and Seaboard Coast Line Railroad Bridge over US 441 [8LA4481]). Only one resource is considered eligible for inclusion in the National Register: Seaboard Coast Line Railroad Bridge over US 441 (8LA4481). The four remaining resources are considered ineligible for listing in the National Register. The Seaboard Coast Line Railroad Grade (8LA2957) and SR 46 (8LA3584) no longer maintain sufficient integrity to be considered eligible for the National Register. The two newly recorded buildings located at 31815 CR 437 (8LA4478) and 31925 CR 437 (8LA4479) are simple Masonry Vernacular structures with no significant architectural elements or historic associations; they are also considered National Register–ineligible.

A total of 24 shovel tests were excavated within the archaeological APE. All shovel tests were negative for cultural material. Portions within the archaeological APE that the background research identified as having a high and moderate archaeological site potential were in areas in which soils were disturbed due to roadway construction, tree planting, and a gas pipeline. No archaeological sites were identified during the survey.

At this time, we respectfully request your concurrence with the findings within this document. Should you concur, please indicate such in the signature box below and forward this letter along with the accompanying documentation to the Florida SHPO, for review and comment. If you have any questions or need further assistance, please contact Catherine Owen, District Cultural Resource Coordinator, at (386) 943-5383 or me at (386) 943-5411.

Sincerely,



For William G. Walsh
Environmental Manager
FDOT, District Five

The FHWA finds the attached report complete and sufficient and X approves / ___ does not approve the above recommendations and findings.

The FHWA requests the SHPO's opinion on the sufficiency of the attached report and the SHPO's opinion on the recommendations and findings contained in this cover letter and in the comment block below.

FHWA Comments:

/s/ [Signature]
For: James Christian
Division Administrator
Florida Division
Federal Highway Administration

11-24-15
Date

The Florida State Historic Preservation Officer:

✓ finds the attached report complete and sufficient and ✓ concurs/ ___ does not concur with the findings and recommendations contained in this cover letter.

___ does not find the attached report complete and sufficient and requires additional information in order to provide an opinion on the potential effects of the proposed project on historic resources.

/s/ [Signature]
For: Robert Bendus
Florida State Historic Preservation Officer

12/9/15
Date

2015-5852
DHR No.

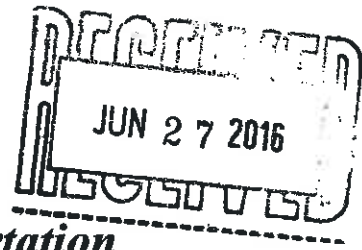


Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

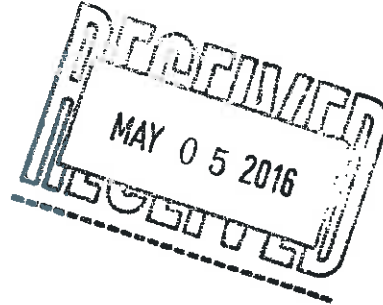
719 S. Woodland Blvd.
DeLand, FL 32720

**JIM BOXOLD
SECRETARY**



May 4, 2016

Mr. James Christian, Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Florida Division Office
3500 Financial Plaza, Suite 400
Tallahassee, FL 32312



Attention: Mr. Joseph Sullivan, Environmental Specialist

RE: Cultural Resources Section 106 Consultation Case Study Report
Lake Wekiva Trail PD&E Study, Lake County
Financial Management # 430975-1

2016 JUN -9 A 9:40
FEDERAL HIGHWAY ADMINISTRATION
FLORIDA DIVISION

Dear Mr. Christian,

Please find enclosed an unbound copy of the Cultural Resources Section 106 Consultation Case Study Report Lake Wekiva Trail PD&E Study, Lake County, and a CD containing an electronic version of this document. This project is federally funded and was conducted in accordance with Section 106 of the *National Historic Preservation Act (NHPA) of 1966* (Public Law 89-655, as amended), as implemented by 36 CFR 800 (*Protection of Historic Properties* and Chapter 267, F.S.

The current document contains the evaluation of the proposed improvements and a determination regarding the significant resources that will be affected according to criteria established in Section 106 of the National Historic Preservation Act of 1966. This Section 106 Evaluation and Determination of Effects documents the potential effects the proposed improvements may have on the National Register-eligible Seaboard Coast Line Railroad (8LA2957), Tremain Street Bridge (8LA4384), and Seaboard Coast Line Railroad Bridge over US 441 (8LA4481). At this time, due to the proposed improvements, it appears that there will be an adverse effect to the Seaboard Coast Line Railroad (8LA2957), and no adverse effect to the Tremain Street Bridge (8LA4384), and Seaboard Coast Line Railroad Bridge over US 441 (8LA4481).

Mr. Christian
May 4, 2016
Page 2

Throughout the Section 106 process, consultation with the agencies and affected parties has taken place in the form of Cultural Resources Committee (CRC) meetings. During the course of three meetings, which were held on January 27, 2015, October 5, 2015, and January 19, 2015, the significant resources, alternatives, and potential effects were discussed. Avoiding and minimizing the adverse effects to the historic bridges was accomplished through these meetings, and mitigation measures were also addressed. A Memorandum of Agreement (MOA) will be prepared to memorialize mitigation measures that have been developed during the course of the Section 106 process.

At this time, we respectfully request your concurrence with the findings within this document. Should you concur, please indicate such in the signature box below and forward this letter along with the accompanying documentation to the Florida SHPO, for review and comment. If you have any questions or need further assistance, please contact Catherine Owen, District Cultural Resource Coordinator, at (386) 943-5383 or me at (386) 943-5411.

Sincerely,




FW
William G. Walsh
Environmental Manager
FDOT, District Five

Mr. Christian
May 4, 2016
Page 3

The FHWA finds the attached report complete and sufficient and approves / does not approve the above findings.

The FHWA requests the SHPO's opinion on the sufficiency of the attached report and the SHPO's opinion on the findings contained in this cover letter and in the comment block below.

FHWA Comments:


/s/ 
For: James Christian
Division Administrator
Florida Division
Federal Highway Administration

5/31/16
Date

The Florida State Historic Preservation Officer:

finds the attached report complete and sufficient and concurs/ does not concur with the findings contained in this cover letter and the enclosed report.

does not find the attached report complete and sufficient and requires additional information in order to provide an opinion on the potential effects of the proposed project on historic resources.

/s/ 
For: Timothy A. Parsons, Ph.D.
Director, Division of Historical Resources
& State Historic Preservation Officer

6/21/2016
Date

2016-2474
DHR No.