

NATIVE AMERICAN COORDINATION ACTION PLAN

Florida Department of Transportation - District VII

County Line Road (C.R. 578) Project Development and Environment Study From U.S. 19 (S.R. 55) to U.S. 41 (S.R. 45)

*Work Program Item Segment Number: 257298 1
Federal-Aid Program Number: 7822 001 S
Pasco and Hernando Counties, Florida*

The proposed project involves improving County Line Road (C.R. 578) to a multi-lane facility from U.S. 19 (S.R. 55) to east of U.S. 41 (S.R. 45) in Pasco and Hernando Counties, a distance of approximately 12.0 miles (19.3 kilometers). The project includes a segment of roadway along a new alignment. This segment is referred to as the Ayers Road Extension and extends from the interchange of C.R. 578 and the Suncoast Parkway to east of U.S. 41, a distance of approximately 3.5 miles (5.6 kilometers).



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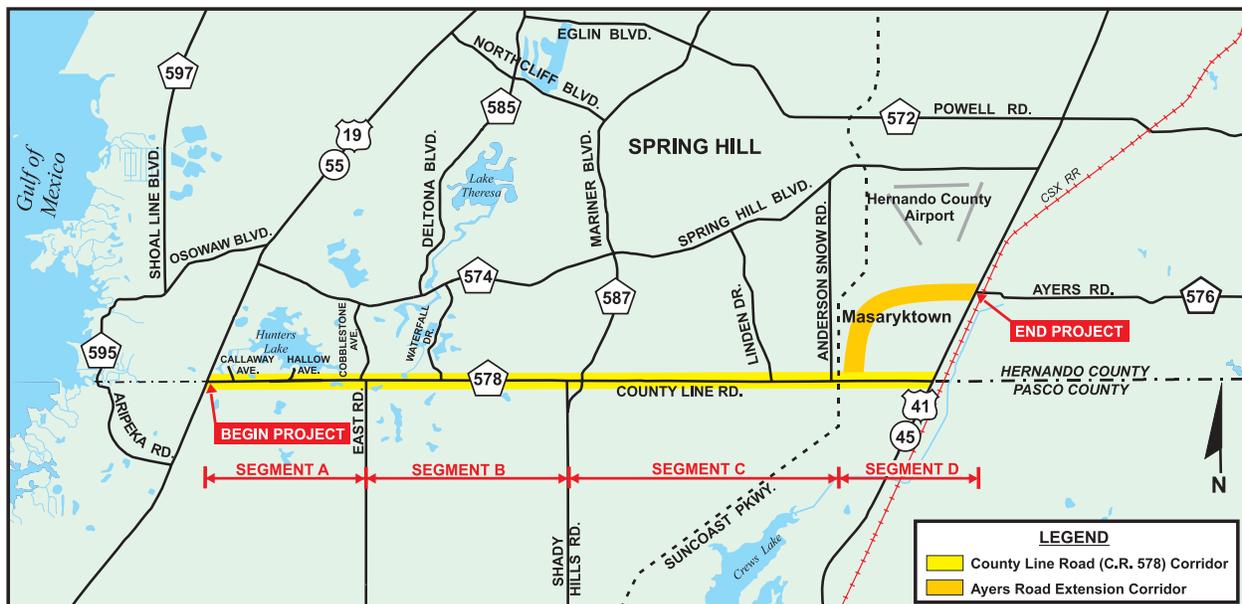
APPENDIX A – AREA OF POTENTIAL EFFECT

Section 1.0 INTRODUCTION

Development of this action plan is intended to identify the remaining actions needed to satisfy coordination with appropriate Native American tribes on the possible adverse effects resulting from construction of a roadway segment associated with the County Line Road PD&E Study located within both Hernando and Pasco Counties. This proposed roadway segment (Segment D) along the new alignment is known as the Ayers Road Extension and is located within Hernando County, Florida. This proposed roadway extends from the Suncoast Parkway to Ayers Road at U.S. 41, and passes through the NR-eligible Alexsuk Site (8HE426). (See Figure 1.)

The action plan summarizes development history of the proposed project and steps taken to ensure Section 106 (of the *National Historic Preservation Act of 1966*) coordination with Native American tribes concerning archaeological or historic resources possibly eligible for listing on the *National Register of Historic Places*. The plan also identifies measures taken as part of the PD&E Study to avoid or minimize encroachments on such resources identified within the project area and steps to be taken to complete the coordination process with Native Americans.

**FIGURE 1
LOCATION MAP**



Section 2.0

PROJECT HISTORY

During the PD&E Study various roadway alternates were developed and cultural resource surveys were conducted for each alternative. As result of these surveys, the *NR*-eligible Alexsuk Site was discovered. Upon discovery of this site, additional and more intense archaeological surveys were conducted to better determine its extent. In an effort to avoid or minimize encroachment of this site, an alternative alignment for the Ayers Road Extension (S-8) was developed in lieu of the recommended alignment (S-5) which was preferred by the local community at the Alternative Public Workshop conducted in December 2000. Upon development of the S-8 alignment, an additional archaeological survey was performed and it was determined that this alignment would still encroach upon this resource.

Consequently, the Cultural Resource Assessment and Section 106 Case Study Report was completed and forwarded by the FHWA to the SHPO for review and concurrence. Additionally, FHWA transmitted copies of the Cultural Resource Assessment to the various tribes representing Native Americans for their review and comment.

Section 3.0

EVALUATION FACTORS

In an effort to determine selection of the most appropriate alternate for the Ayers Road Extension (Segment D) a comparison of evaluation factors for alignment S-5 and S-8 was performed and is shown below in Table 1. The results of this comparative analysis found that most evaluation factors were similar. The one major difference is associated with the number of potential residential relocations. Alignment S-8 will require nine (9) relocations versus three (3) relocations for alignment S-5. Minor differences between the two alignments find that the number of potential noise sensitive receivers for alignment S-8 is four (4) versus five (5) for S-5.

3.1 OTHER CONSIDERATIONS

In addition to development of the minimization alternate (S-8) and the factors considered in Table 1, other factors associated with the Alexsuk Site and addressing other identified Native American concerns were considered. These factors included:

- Area affected by the proposed roadway for each alignment
- Future Land Use and Development Requirements
- Sinkhole avoidance

Section 4.0

AREA OF EFFECT

The area of potential effect (APE) identified for the Alexsuk Site (8HE426) was determined. Also, the roadway area for alignments S-5 and S-8 within the APE was determined. The resulting calculations found the APE to be approximately 95.6 acres in size. Alignment S-5 affected 18.8 acres or 20% of the APE, while alignment S-8 affected 12.1 acres or 13% of the APE.

4.1 *LAND USE*

In addition to the evaluation factors shown in Table 1, it was determined that a comparison of current and future land use should be applied relative to future private development disturbing the *NR*-eligible Alexsuk Site. This factor considers that private property owners are not subjected to the same requirements as Federal or State agencies and may develop their properties without being required to recover the history of cultural resources, such as the Alexsuk site.

Prior to development of the Suncoast Parkway, which is located at the western end of Segment D, the properties within the project area were primarily zoned Agricultural. Since opening to traffic, many of the properties immediately adjacent to County Line Road have been re-zoned as commercial and private development is expected to occur within a few years. Consequently, the same trend is expected to occur along the new alignment for the Ayers Road Extension once construction has been completed. Additionally, this future trend will be reinforced by continued development of the Hernando County Airport, which plans to construct additional access to the newly constructed Ayers Road Extension.

4.2 *CURRENT LAND USE*

The land use along segment S-8 is approximately 65 percent agricultural (AG) [green], 20 percent low-density single-family residential (R-1C), 10 percent mobile homes (MH) and 5 percent vacant land. Most properties are several acres or larger. To the east of the project area is Masaryktown, consisting of small mixed conventional and mobile home lots. There is a small commercial area at the intersection of US 41 and Ayers Road, and at County Line Road and the Suncoast Parkway.

The land use along segment S-5 is approximately 75 percent agricultural, 15 percent residential, and 5 percent each of mobile home and vacant land with commercial at the intersection of US 41 and Ayers Road.

**TABLE 1
EVALUATION MATRIX FOR ALTERNATIVES S-5 & S-8**

| EVALUATION FACTORS | AYERS ROAD EXTENSION | | | | | |
|---|----------------------|---|---|----------------|---|---|
| | SEGMENT D | | | | | |
| | S-5 | | | S-8 | | |
| POTENTIAL RELOCATIONS | | | | | | |
| Businesses | 0 | | | 0 | | |
| Individual Residences | 3 | | | 9 | | |
| CULTURAL RESOURCES | | | | | | |
| Potential Historic Structures | 0 | | | 0 | | |
| Archaeological Sites NRHP Eligible | 1 | | | 1 | | |
| Parks [Section 4(f)] | 0 | | | 0 | | |
| NATURAL/PHYSICAL ENVIRONMENTAL EFFECTS | | | | | | |
| Wetlands Acres (Hectares) | 0.00 (0.00) | | | 0.00 (0.00) | | |
| Potential T&E Species Involvement (L/M/H) | M | | | M | | |
| Noise Sensitive Sites | 5 | | | 4 | | |
| Potential Contamination Sites (L/M/H) | 1 | 1 | 0 | 1 | 1 | 0 |
| PROJECT COSTS (\$ millions) | | | | | | |
| Construction Cost | \$12.99 | | | \$12.36 | | |
| R/W Cost | \$6.54 | | | \$8.44 | | |
| Engineering Cost | \$1.95 | | | \$1.85 | | |
| Construction Engineering and Inspection Cost | \$1.95 | | | \$1.85 | | |
| TOTAL COST PER ALIGNMENT | \$23.43 | | | \$24.50 | | |

L/M/H = Low/Medium/High.

4.3 *FUTURE LAND USE*

The future land use as depicted in the Hernando County Comprehensive Plan for segments S-5 and S-8 is designated as 96 percent residential with the exception of 2 percent commercial on the four corners at the intersection of US 41 and Ayers Road, and 2 percent commercial at the intersection of County Line Road and the Suncoast Parkway.

4.4 *APPROVED ZONING*

Approved zoning along both segments is approximately 65 percent agricultural and 30 percent low-density single-family residential (R-1C), and 5 percent medium-density single family residential (R-1A), consisting of both mobile homes and conventional houses. There are no new approved developments along the proposed S-5 and S-8 alignments at this time.

4.5 SINKHOLE AVOIDANCE

Project proximity to sinkholes was identified as an area of concern by the Miccosukee Indian Tribe, which considers such geological features to be sacred. As a result of this concern, potential effects of the proposed roadway improvements on the cultural resource site identified as the Volkswagen Sinkhole (8PA185) was reviewed in an attempt to avoid encroachment on this site. The sinkhole is located in the southwest quadrant of the County Line Road/Shady Hills Road intersection. The results of this review found the encroachment could be avoided by constructing an MSE wall in lieu of earthen fill. Consequently, a cost estimate of the differences between roadway fill and constructing an MSE wall was performed. This estimate found that the MSE wall would increase the project cost by \$67,000.

Section 5.0

NATIVE AMERICAN COORDINATION

In recognition of the need that Native American issues and concerns be treated in a manner that is consistent with current federal and state legislation, this Native American Consultation action plan addresses the pertinent legislation and identifies specific steps to be taken. It is important to note that tribal entities represent sovereign nations, and that any coordination process will take place between representatives of two distinct governments.

5.1 PERTINENT LAWS, REGULATIONS AND MEMORANDA

◆ Office of the White House Memorandum Government-to-Government Relations with Native American Tribal Governments (April 29, 1994)

As contained within the text of the memorandum, all executive departments and agencies were directed to:

- “Operate within a government-to-government relationship with federally recognized tribal governments”;
- “Consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments”; and
- “Assess the impact of federal government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs and activities.”

◆ 36 CFR 800 Implementing regulations of Section 106 of the *National Historic Preservation Act*, as amended 1999.

As set forth at 36 CFR 800.1(c)(2)(iii), the agency official shall:

- Afford an Indian tribe the opportunity to participate when the undertaking may affect properties of historic value to an Indian tribe when it is located on non-Indian land.

◆ Chapter 872, F.S.: Offenses Concerning Dead Bodies and Graves

The law pertains to any human burials, human skeletal remains, and associated burial artifacts on public or private lands in the state. The law’s intent is to accord equal treatment to human burials regardless of ethnic origin, cultural background or religious affiliation. The implementing rule for this law (Chap. 1A-44) specifies the procedures to follow in the event that unmarked

burials are encountered during a project, the criteria to be used by the State Archaeologist in determining whether the Florida Division of Historical Resources (FDHR) will assume jurisdiction over an unmarked burial, and the responsibilities of the State Archaeologist and others in the event that FDHR does assume jurisdiction.

5.1 ACTION PLAN CONSULTATION

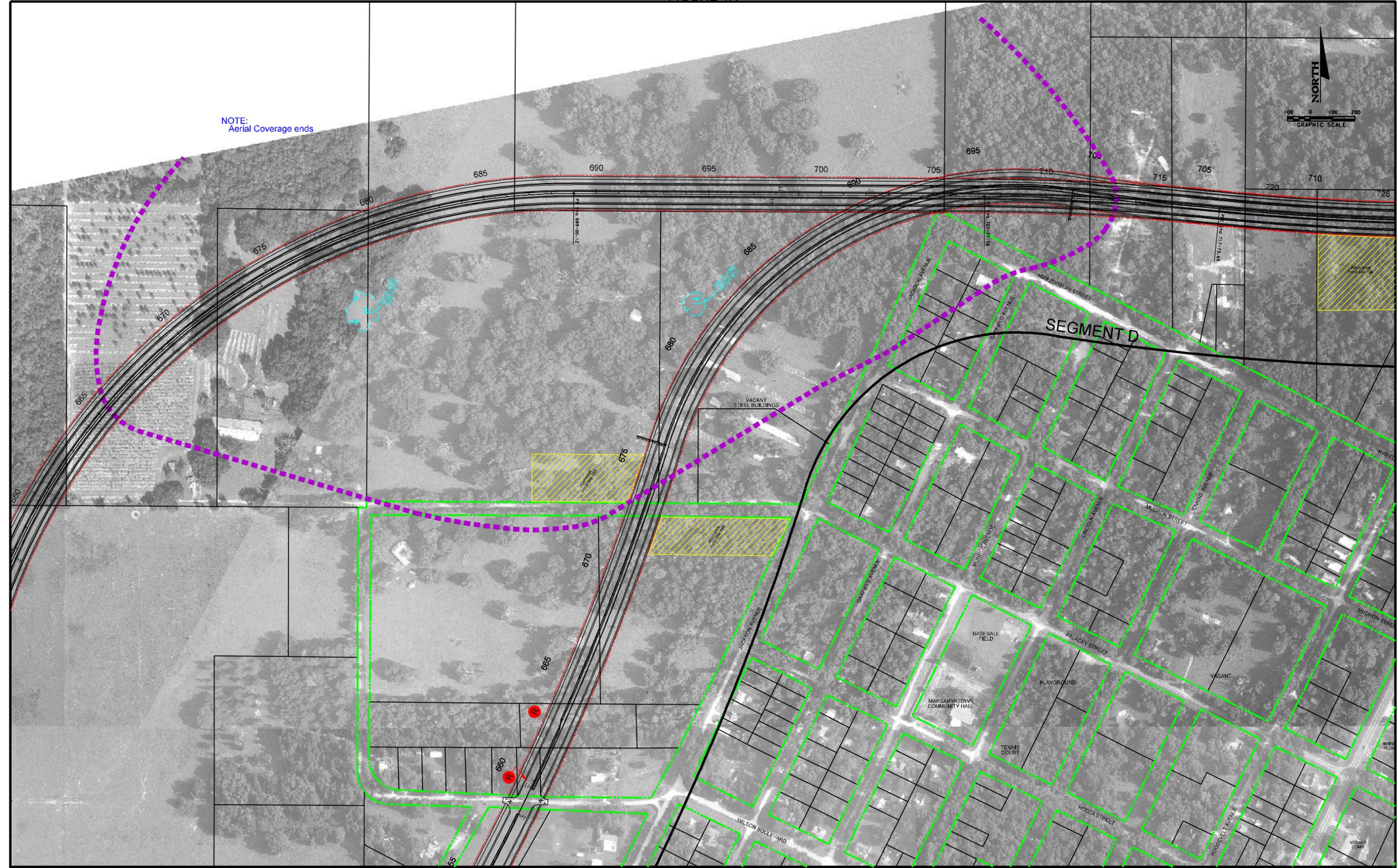
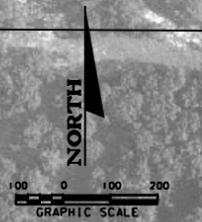
Advance Notification letters were sent to the following five tribes with cultural affiliation in Florida: The Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Seminole Nation of Oklahoma, the Poarch Band of Creek Indians, and the Muscogee Creek Nation of Oklahoma. In addition, copies of all cultural resource reports were sent to representatives of each of the five federally recognized Native American tribes of nations. This information described the project, its location, and the archaeological sites identified during the archaeological survey as potentially eligible for listing in the National Register of Historic Places. To date, one response from the Miccosukee Tribe of Indians has been received expressing their concern regarding the sinkhole located within the project area (see attached letter).

Following the notification letters, telephone calls will be placed to the representatives of the five federally recognized tribes in an attempt to set up a meeting to discuss the project and seek information and recommendations from the tribes. Included in this meeting will be a tour of the archaeological site and the sinkholes.

APPENDIX A
AREA OF POTENTIAL EFFECT

FIGURE 1A

NOTE:
Aerial Coverage ends



| REVISIONS | | | | | |
|-----------|----|----------------|------|----|-------------|
| DATE | BY | DESCRIPTION | DATE | BY | DESCRIPTION |
| 09/13/99 | | DATE OF FLIGHT | | | |

URS
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 Tampa, FL 33607-1462
 No. 00000002

| STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION | | |
|--|------------------|----------------------|
| ROAD NO. | COUNTY | FINANCIAL PROJECT ID |
| C.R.578 | PASCO & HERNANDO | 257298 22 01 |

COUNTY LINE ROAD (C.R. 578)
 PROJECT DEVELOPMENT & ENVIRONMENT STUDY
 From U.S. 19 (S.R 55) to U.S. 41 (S.R. 45)
 AREA OF POTENTIAL EFFECT

SHEET NO.