

## Daniels Parkway Project



Daniels Parkway photo courtesy Florida Aerial Services, Inc.

**“The challenge was difficult – the permit had effectively been denied and we had to break the impasse between the government regulators and our client at the 11th hour.” – Dr. Jonathan Deason, Dawson & Associates**

### Client

Lee County, Florida, Department of Transportation.

### Background

In May 1997, the Lee County Department of Transportation began seeking Federal and State permits to build a four-lane highway in Fort Myers, FL. Because the project would impact wetlands and endangered species, the county needed a permit from the US Army Corps of Engineers under Section 404 of the Clean Water Act and an official opinion from the US Fish and Wildlife Service (FWS) under Section 7 of the Endangered Species Act, before proceeding.

One year later, FWS issued a final Biological Opinion mandating a series of mitigation requirements as a condition for the permit. For Lee County, the requirements were not only unaffordable but would set a precedent that may have negatively affected future development in the region.

### Response

In early 1999, the county engaged Dawson & Associates to ask FWS and the Corps to reconsider the requirements. To open up lines of communication, D&A immediately set to work facilitating meetings among Lee County, FWS, and the Corps, at the field, state, regional and national levels.

To compensate for the endangered species and wetland impacts, the Dawson team researched and produced a series of technical analyses identifying alternate mitigation measures – alternatives that would cost Lee County substantially less. To ensure understanding of the analyses, and to generate broad support of the alternate proposal, D&A organized meetings at the Corps headquarters in Washington, DC, made a series of presentations to appropriate Corps of Engineers field staff and facilitated 13 congressional presentations.

The result? FWS accepted the recommended mitigation measures and issued a revised Biological Opinion. Subsequently, the D&A team worked with the Corps to negotiate the content of the Section 404 permit. The final Section 404 permit for the project, containing provisions completely satisfactory to Lee County, was issued by the Corps in December of 1999.

D&A helped Lee County save more than \$1,700,000 in mitigation costs, created a new model for evaluating the impact that construction projects have on the endangered Florida panther, and substantially improved the county's working relationship with the Corps and FWS. Lee County officials say the improved relationship will serve their citizens well in the future.

**“The bottom line is that, had we not brought Dawson & Associates aboard we would not be building the project as we are today. Instead, we would continue to be mired in unproductive discussions with the Corps and the Service. D&A put an end to that impasse in a most professional and effective way and for that I thank them.”**

– J.W. French

Director of Public Works

Lee County, Florida