



Mitigated Finding of No Significant Impact (FONSI)

Federal Courthouse Construction

Fort Lauderdale, Florida

Pursuant to Section 102(2) (c) of the National Environmental Policy Act (NEPA) of 1969, GSA has prepared an Environmental Assessment (EA) for the proposed construction of a new Federal Courthouse in Fort Lauderdale, Florida. The purpose of the EA is to identify potential impacts from this project and to provide an opportunity for public input. The EA explains the need for the project, the alternatives that were considered to meet the need, the impacts that were identified, and how impacts will be mitigated. The anticipated impacts, mitigation of impacts, and other information discussed below, are incorporated by reference from the published EA.

A. Proposed Action

The GSA's Proposed Action is to acquire a site for the construction of a 255,000 gross square feet courthouse, to include fifty inside parking spaces in the City of Fort Lauderdale, Florida. The new federal courthouse (Courthouse) will accommodate the 10-year space requirements of the courts and court-related agencies.

B. Purpose and Need

The existing federal courthouse, constructed in 1979, does not meet the United States Courts Design Guide standards and lacks adequate security to meet the standards for Facility Security Level 4, as defined by the Interagency Security Committee. The existing building configuration does not allow for distinct separation between restricted, secured, and public areas. There are also significant infrastructure issues, including ongoing water intrusion that allows water to enter tenant spaces, and failing storm drains and flashing systems.

The new Courthouse will include twelve courtrooms and seventeen judges' chambers. Once built, the facility will provide workspace for several tenant agencies, including the U.S. Court of Appeals, the U.S. District Court for the Southern District of Florida, the U.S. Bankruptcy Court, the U.S. Marshals Service, the U.S. Attorney's Office and the U.S. Probation Office. The new Courthouse will meet the long-term needs of the courts and provide separate circulation for the public, judges, and prisoners, thereby improving security and the efficiency of court operations.

C. Public Involvement

On February 18, 2020, a public scoping meeting was held at the Broward County Main Library. GSA presented information on the NEPA process and for each of the proposed alternatives in the Downtown Regional Activity Center. Stakeholders were encouraged to provide feedback during and subsequent to the presentation. The GSA considered public feedback and, due to significant public opposition, decided to terminate further evaluation for the three sites initially considered as the Action Alternatives for the Proposed Action.

After terminating further evaluation on the initial three sites, GSA broadened its search parameters to include a larger geographical area, published a Request for Expressions of Interest (REOI) on March 16, 2020, and met with City and County officials, as well as the Fort Lauderdale Downtown Development Authority. Four new sites were identified and stakeholders were engaged via a mailing on April 2, 2020, and encouraged to share feedback and concerns regarding the four new sites. Due to health and safety concerns surrounding COVID-19, a second public scoping meeting was not organized. However, significant

public outreach was conducted by engaging all past and new stakeholders and coordinating with the City, County and downtown authority officials through email in obtaining their input on all proposed sites.

D. Alternatives Considered

1. Alternative 1 – No Action Alternative (no new construction)
2. Alternative 2 – Construction of the new Courthouse at the Hudson Site
3. Alternative 3 – Construction of the new Courthouse at the Tri Rail Broward Site
4. Alternative 4 – Construction of the new Courthouse at the County Courthouse Site
5. Alternative 5 – Construction of the new Courthouse at the Tri Rail Cypress Creek Site

E. Mitigation Measures

The following mitigation and monitoring measures will be implemented to ensure that the proposed action will have no significant impact on the quality of the human environment:

- Floodplain – No Mitigation needed for the No Action Alternative. For Alternatives 2, 3, 4, and 5, an eight-step process, per E.O. 11988, has been completed. The new Courthouse will be compliant with current local, state and federal standards and guidelines. The GSA will follow local floodplain guidelines during design activities. Mitigation measures to protect against the flooding events, as identified in the EA, will be considered during the design process.
- Wetlands and waterways– No mitigation is needed for the No Action Alternative. For Alternatives 2, 3, 4, and 5, the GSA will adhere to Best Management Practices (BMPs) that would be specified in the Soil Erosion and Sediment Control Plan prepared during project design. If off-site waters of the United States (i.e. streams, ditches, and wetlands) are impacted, the Army Corps of Engineers will be contacted to determine if additional mitigation is required.
- Species and habitats of special concern – No mitigation is needed for any of the five alternatives; however, for Alternatives 2, 3, and 4, a negative Florida Bonneted Bat (*Eumops floridanus*) survey expires after 1 year. If either Alternatives 2, 3, 4 is selected and 1 year passes before tree removal and construction activities begin, the GSA will perform a second FBB survey at this site, to confirm the absence of any habitat and FBB activity.
- Planning and zoning – No mitigation needed for any of the five alternatives. It is recommended that GSA work closely with relevant agencies when designing and developing the selected site.
- Economic and employment activities - No mitigation is needed for the No Action Alternative and Alternatives 3, 4, and 5. For Alternative 2, GSA procedures require that relocation assistance be provided to any businesses or residents displaced by the Proposed Action. Relocation benefits are governed by the Uniform Act of 1970. The GSA'S National Relocation Program Manager will be engaged to handle any relocation aspects resulting from the Proposed Action. Assistance may include providing relocation expenses, assisting with leases, and adjusting construction schedules. This would minimize the negative impact to the affected occupants of the Hudson Site.
- Environmental justice - No mitigation is needed for any of the five alternatives.
- Court security - No mitigation is needed for any of the five alternatives.
- Cultural resources - No mitigation is needed for the No Action Alternative, Alternative 3, and Alternative 5. For Alternatives 2 and 4, the GSA will develop a Programmatic Agreement for the project in consultation with consulting parties that outlines the identification, evaluation and treatment of significant archeological resources discovered if Alternative 2 or 4 are selected. For Alternative 4, the GSA will comply with the provisions of the Visual Arts Rights Act of 1990 and coordinate appropriately with the artists of the "Accordant Zone" to avoid impacts to the art installation.
- Parking – No mitigation is needed for the No Action Alternative. For the four Action Alternatives, it is suggested that GSA recommend the City of Fort Lauderdale to develop additional surface parking to replace the spaces lost. This would mitigate the negative impact to the supply of parking spaces.

- Vehicular traffic – No mitigation is needed for the No Action Alternative. For the four Action Alternatives, maintenance of traffic would occur through strategic timing of deliveries when possible (e.g., at night when traffic flow is lowest), avoiding disruption during high traffic periods, and avoiding lane closures. At no point would a full closure of a main arterial be necessary. A Maintenance of Traffic Plan will be developed that describes the specific elements needed to ensure that impacts to traffic would be minimal during Courthouse construction. It is recommended that GSA consult with relevant agencies during the planning stages to best mitigate impacts to traffic.
- Pedestrian and bicycle access - No mitigation is needed for the No Action Alternative and Alternatives 2, 3, and 4. For Alternative 5, it is recommended that GSA work with Tri Rail and the City of Fort Lauderdale to preserve existing pedestrian and bicycle routes.
- Public Transportation - No mitigation is needed for the No Action Alternative and Alternatives 2, 3, and 4. For Alternative 5, it is recommended that GSA work with Tri Rail and Broward Transit to preserve access to existing public transportation services.
- Site contamination/hazardous waste – No mitigation is needed for the No Action Alternative and Alternatives 2 and 4. For Alternatives 3 and 5, a Phase II Environmental Site Assessment is recommended. Contamination identified at the selected site, if any, would be remediated based on federal and state regulations.
- Utilities (potable water, wastewater, stormwater) – No mitigation is needed for the No Action Alternative. Implementation of the proposed action will result in the alteration of existing infrastructure. However, no mitigation is needed for Alternatives 3 and 5. For Alternative 2 and 4, the GSA should coordinate with the City of Fort Lauderdale to establish a mitigation plan for infrastructure alteration and relocation.

F. Finding of No Significant Impact

GSA has completed the environmental review process for the proposed project and, with GSA's commitment to implementing the above measures to mitigate any potential impacts, finds there is no significant impact to the quality of the human environment associated with the construction of a federal courthouse on any of the proposed sites in Fort Lauderdale, Florida. Therefore, an Environmental Impact Statement will not be prepared.