

An aerial photograph of a suburban area. A yellow highlight is drawn over a road on the left side, which then turns into a yellow arrow pointing horizontally across the middle of the image. The background shows a mix of residential streets with houses, larger commercial buildings, and green spaces with trees.

APPENDIX I

AGENCY COORDINATION



007 4 12 1:55 PM

Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

October 2, 2012

Mr. Martin C. Knopp
U.S. Department of Transportation
Federal Highway Administration
Florida Division Office
545 John Knox Road, Suite 200
Tallahassee, FL 32303

Attention: Ms. Cathy Kendall, Environmental Specialist

RE: *Cultural Resource Assessment Survey of the New Interchange at I-95 and Ellis Road*
PD&E Study, Brevard County, Florida
Financial Management # 426905-1-22-01

RECEIVED
BUREAU OF
HISTORIC PRESERVATION
2012 NOV - 1 P 1:55

Dear Ms. Kendall,

Enclosed please find the report titled *Cultural Resource Assessment Survey of the New Interchange at I-95 and Ellis Road PD&E Study, Brevard County, Florida*. The following documents are included:

- One additional bound copy of the final report.
- One compact disk containing .pdf files for the final report.
- One SHPO package containing one unbound copy of the CRAS final report, one completed Survey Log Sheet, and accompanying documentation.

The enclosed report presents the findings of a Phase I cultural resource assessment survey (CRAS) conducted in support of a Project Development and Environment (PD&E) Study for a new interchange on Interstate 95 (I-95) at Ellis Road in Brevard County, Florida. The Florida Department of Transportation (FDOT), District 5, is considering the proposed construction of a new interchange at Mile Post (MP) 22.07 on I-95 as well as capacity improvements along Ellis Road between I-95 and NASA Boulevard. The project corridor for the present survey extends from Wickham Road along Ellis Road to the proposed interchange with I-95.

The archaeological survey resulted in the identification of one new archaeological site, 8BR2784, located along the north side of Ellis Road, east of John Rodes Boulevard and west of Stan Drive. In the opinion of the Principal Investigator, site 8BR2784 is not eligible for listing in the National Register of Historic Places (NRHP).

Three historic resources (8BR2781–8BR2783) were recorded within the APE. They were evaluated as to their potential for listing in the NRHP. The resources all lack the architectural distinction or significant historical associations necessary to be considered for listing in the NRHP and have been determined ineligible. No potential NRHP districts were located due to the lack of concentration of historic structures. No NRHP-listed or eligible resources were identified within the Ellis Road PD&E APE. No further work is recommended.

Based on the results of this investigation, it is the opinion of the District that the proposed undertaking will have no effect on historic resources eligible or potentially eligible for listing in the NRHP. I respectfully request your concurrence with the findings of the enclosed CRAS report. Should you concur, please indicate such in the signature box below and submit the unbound copy of this document along with the accompanying Survey Log Sheet and electronic Florida Master Site File forms to the Florida State Historic Preservation Officer, for review and comment.

If you have any questions or need further assistance, please contact me at (386) 943-5411.

Sincerely,


A handwritten signature in cursive script, appearing to read "William G. Walsh".

William G. Walsh
Environmental Administrator
FDOT, District Five

The FHWA finds the attached Cultural Resources Assessment Report 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:


/s/ 
For: Martin C. Knopp
Division Administrator
Florida Division
Federal Highway Administration

10/30/12
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/ 
Florida State Historic Preservation Officer

11-16-2012
Date

2012-4897
DHR Project No.



United States Department of the Interior

U. S. FISH AND WILDLIFE SERVICE

7915 BAYMEADOWS WAY, SUITE 200
JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:

FWS Log No. 41910-2014-I-0106

February 25, 2014

Mr. William G. Walsh
Environmental Administrator
FDOT District 5
719 South Woodland Blvd
DeLand FL 32720-6800

RE: I-95/Ellis Road Interchange and Ellis Road from I-95 to Wickham Road (CR509)
Financial ID No. 426905-1-22-01
Federal Aid No. SFT1 251 R

Dear Mr. Walsh:

The US Fish and Wildlife Service (Service) has completed its review of a proposal to create a new interchange at I-95 and Ellis Road, extend Ellis road from its' western terminus to I-95 (approximately .4 miles) and widen the existing Ellis road east to Wickham Road. Ellis Road is currently a two lane undivided highway from John Rodes Blvd (SR 511) until it reaches the intersection of Lake Ibis road where it becomes a four lane divided highway that terminates at Wickham Road. The proposal involves widening Ellis road to a four lane divided highway in order to accommodate future traffic levels and provide a direct route from I-95 to the Melbourne airport in Brevard County, Florida.

The Service has reviewed the information provided by FDOT in the WEBAR (dated January 2013) and subsequent surveys for federally listed species, regarding the presence or absence of species within the action area and we provide the following timeline of actions:

February 2013- FDOT submitted a Wetland Evaluation and Biological Assessment Report (WEBAR) to the Service. The WEBAR indicated habitat for listed species was present and would be impacted but surveys for federally listed species would be completed at a later date.

May 2013 - The Service informed FDOT that surveys for listed species needed to be completed before a determination of effect could be made. The Service cannot concur with a 'May Affect but Not Likely to Adversely Affect' (MANLAA) determination before surveys are completed for federally listed species.

December 2013 - FDOT submitted the results of a Florida scrub-jay (*Aphelocoma coerulescens*) (FLSJ) survey conducted in October 2013 at pond site 4A. Although FLSJs were seen at three call stations, the FDOT concluded that a bird was “just passing through” the area. FDOT made a MANLAA determination based on survey results.

January 2014 - The Service asked for further information on the FLSJ survey data, including the direction of flight to and from the call stations, as per the survey protocol. After further internal review, the Service concluded there was not enough information to delineate the amount of occupied habitat and did not agree that the birds were transient. The guidelines state that a minimum of five days is required for the survey effort, however in many cases additional time is needed to discern territorial boundaries.

January 2014 - The Service coordinated a survey for Audubon’s crested caracara (*Polyborus plancus*) with the environmental consultant through emails, phone calls and site visits. The lead Recovery biologist for caracara from the South Florida Ecological Services office met with the consultant in the field to assist in survey design. FDOT decided to postpone this survey and conduct it in the future depending on the timing of the start of construction.

January 2014 - FDOT sent a letter to the Service requesting concurrence on federally listed species, based on the information contained in the January 2013 WEBAR, and the inclusion of specific language recently developed by the Service, Federal Highway Administration (FHWA) and FDOT, that would allow the project to move forward.

Endangered Species Act Coordination

Our comments are for the purpose of providing informal consultation in accordance with section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (FWCA) (16 U.S.C. 661 *et seq.*), and the Migratory Bird Treaty Act of 1918 (MBTA), as amended (16 U.S.C. 703-712 *et seq.*).

Wood Stork (*Mycteria Americana*)

The project corridor is approximately 2.04 miles long and passes through the Core Foraging Area (CFA) of at least six active nesting colonies of the endangered wood stork. Extensive canals, ditches and numerous wetlands are within the action area and wood storks have been documented foraging in these wetlands. The Service has determined that the loss of wetlands within a CFA due to an action could result in the loss of foraging habitat for the wood stork. To minimize adverse effects to the wood stork and other wetland dependent species, we recommend that impacts to suitable foraging habitat be avoided. The amount of wetland impacts for the preferred alternative and final design should be quantified. FDOT should utilize the Wood Stork Effect Determination Key developed with the Army COE to reach an effect determination. The amount of wetland mitigation needed and where it will be purchased should also be disclosed in order to reach a MANLAA determination.

Florida Scrub-Jay (*Aphelocoma coerulescens*)

At one time this species could be found throughout Brevard County in suitable habitats (scrubby-flatwoods, oak-scrub and coastal scrub). Recent declines are attributable to habitat conversion and lack of management. A survey was conducted (Oct. 2013) in suitable habitat surrounding a potential pond site known as 4A (28.100308N, 80.681572W). Florida scrub-jays responded to call tapes at three call stations and may be utilizing the only area of suitable habitat in this location. Therefore, this project is a 'May Affect' for the Florida scrub-jay and the Service will request additional information if this project moves forward, in order to determine the amount of occupied habitat. FDOT indicated that there is an alternative, existing pond, to the east that could be utilized and would avoid impacts to suitable jay habitat.

Audubon's Crested Caracara (*Polyborus plancus*)

The caracara is a resident, diurnal, non-migratory species that occurs in Florida as well as the Southwestern U.S. and Central America. Only the Florida population, which is isolated from the remainder of the species, is listed as threatened under the ESA. Suitable habitat for this species includes wet and dry prairies, improved pastures and lightly wooded areas. Cabbage palms, cypress, scrub oaks and saw palmetto may be habitat indicators as to the presence or absence of this species. Suitable habitat can be found within the project corridor and may be impacted by this proposal (WEBAR Jan 2013). The Service coordinated with FDOT and their consultant through emails, phone calls and site visits (Jan 2014) to assist with survey design and protocol. FDOT has decided to postpone the 2014 survey.

Eastern Indigo Snake (*Drymarchon corais couperi*)

Suitable habitat for this species can be found within the project corridor. The new interchange, roadway and wider, divided, highway are likely to increase the number of amphibian and reptile deaths as the animals attempt to cross the wider roadway. Direct effects for this species include mortality from additional vehicle traffic and attempts to cross wider roadways. Indirect effects from increased commercial and residential development in this portion of Brevard County as a result of the new roadways (WEBAR page 6-22) will result in further habitat fragmentation and mortality. FDOT has agreed to utilize the new eastern indigo snake guidelines (dated August 2013) found on our office website, <http://www.fws.gov/northflorida/>. Generally, a complete gopher tortoise survey is needed within the ROW in order to utilize the effect determination key. The Service also recommends that plastic netting, frequently used on roadsides under grass or seed, be eliminated from the construction design. Studies have shown that plastic netting entraps many species of snakes and does not deteriorate over time. Biodegradable matting or a similar material should be used to reduce direct, indirect and cumulative effects to this federally listed species and many other common species of snakes found in this area.

Gopher Tortoise (*Gopherus polyphemus*)

Gopher tortoises are long-lived reptiles that occupy upland habitat throughout Florida including forests, pastures, and yards. They dig deep burrows for shelter and forage on low-growing plants. Gopher tortoises share these burrows with more than 350 other species, and are therefore referred to as a keystone species. In July 2011, the Service determined that listing the eastern population of the tortoise as Threatened under the Endangered Species Act is warranted. However, it is precluded from doing so at this time due to higher priority actions and a lack of sufficient funds. Therefore, the tortoise was placed on the candidate conservation list and should

be listed as a candidate species in FDOT documents. Gopher tortoises are a threatened wildlife species and are protected by state law. State permitting guidelines for avoidance, minimization and mitigation should be followed.

Everglades Snail Kite (*Rostrhamus sociabilis plumbeus*)

Now officially known simply as a snail kite, the subspecies from Florida and Cuba was listed as endangered in 1967. The range of the Florida population of snail kites is restricted to watersheds in the central and southern part of the state. Because of a highly specific diet composed almost entirely of apple snails (*Pomacea paludosa*), survival of the snail kite depends directly on the hydrology and water quality of these watersheds. No known nesting sites are found within the action area. The Service has determined that this project would have 'No Effect' on this species.

The FDOT has determined the project 'May Affect but is Not Likely to Adversely Affect' the following species: Florida scrub-jay, Audubon's crested caracara, eastern indigo snake, Everglades snail kite and wood stork. In a letter, dated January 31, 2014, FDOT requested a concurrence with a MANLAA determination for all of these species at this time.

The Service does not have enough information to provide concurrence or non-concurrence with FDOT's determination [pursuant to Section 7 of the ESA, as described in 50 § CFR402.14]. In order to comply with Section 7 of the ESA, FDOT has committed to reinitiate consultation with the Service prior to advancing the project to construction. At the time of re-initiation, FDOT will provide additional information, as needed, which will allow the Service to complete our analysis of the project's effects on the species noted above and complete consultation on the project. The FDOT must document this commitment in the final environmental document for the project and in documents for any subsequent re-evaluations of the project.

Bald eagles are no longer listed under the ESA. Coordination with the Office of Migratory Birds is recommended if a nest tree is located within the action area. Information about the new eagle guidelines can be found at (<http://www.fws.gov/migratorybirds/BaldEagle.htm>).

FDOT determined that the project would have 'No Effect' on federally listed plants due to the lack of suitable habitat or occurrence records in the right-of-way.

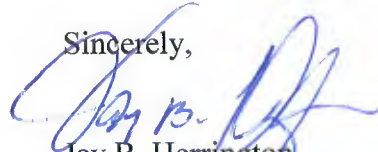
Fish and Wildlife Coordination Act

The FDOT is statutorily obligated to mitigate all wetland impacts according to the Clean Water Act and the Section 404 permitting process through the Army Corps of Engineers. In addition, the State of Florida also requires the demonstration of avoidance, minimization and mitigation of wetland impacts. During the design and permitting phase the FDOT has committed to avoiding and minimizing the direct and indirect effects of this project on wetland ecosystems. The January 2013 WEBAR states that the Preferred Alternative will impact 4.17 acres of forested wetlands and 4.20 acres of wet prairie/marsh. Additionally, 13.2 acres of surface waters will be directly impacted. The need to reinitiate consultation will allow the Service to review the final design for the interchange as well as all of the pond locations and wetland impact acreages. The Preferred Alternative avoids any direct impacts to the FDEP Conservation Easement west of I-95.

This letter does not represent a biological opinion as described in Section 7 of the ESA nor a final concurrence with project effects on listed species as determined by the FDOT. New information regarding species presence, changes to and refinement of the proposed project design, and potential adverse effects not initially considered may increase the risk of adverse effects to a level at which take is reasonably certain to occur. All additional information available will be evaluated when ESA consultation is reinitiated.

If you have any questions, please contact Jane Monaghan at (904)731-3119.

Sincerely,



Jay B. Herrington
Field Supervisor

cc: Scott Sanders-FFWCC
Andrew Phillips-ACOE



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

May 27, 2015

Dr. Heath Rauschenberger
Deputy Field Supervisor
U.S. Fish and Wildlife Service
North Florida Ecological Services Office
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517

**SUBJECT: I-95/Ellis Road Interchange and Ellis Road from I-95 to Wickham Road
Project Development & Environment (PD&E) Study
2015 Protected Species Surveys and Reinitiation of Informal Consultation
Brevard County, Florida
FPID: 426905-1**

Dear Dr. Rauschenberger,

Please find enclosed the species survey reports for the Audubon's crested caracara (*Polyborus plancus audubonii*) and the Florida scrub-jay (*Aphelocoma coerulescens*), as well as the determination letter for the Eastern indigo snake (*Drymarchon corais couperi*), for the above referenced PD&E Study. In February 2013, the Florida Department of Transportation, District 5 (FDOT) submitted the Wetland Evaluation and Biological Assessment Report, dated January 2013, to the U.S. Fish and Wildlife Service (USFWS) requesting "may affect, not likely to adversely affect" (MANLAA) determinations be granted for federally listed species with the understanding that surveys would be completed at a later date. In May 2013, USFWS responded that without species specific surveys, they could not grant a MANLAA determination. As Section 7 effects determinations are required by the Federal Highway Administration (FHWA) in order to grant Location Design Concept Acceptance (LDCA) for this project, surveys for the federally-listed species potentially affected were conducted. Below is a brief summary of the survey results and agency coordination performed for each of these species:

Audubon's crested caracara

During the FDOT's Efficient Transportation Decision Making (ETDM) process, USFWS identified suitable Audubon's crested caracara (caracara) habitat west of I-95, within the proposed project corridor. In January 2014, FDOT's environmental consultant (E Sciences, Incorporated) met with Brian Powell, the USFWS Species Recovery Lead, to conduct a field inspection to assist in the identification of suitable caracara habitat and development of a draft survey design. Mr. Powell concurred that suitable habitat exists in various areas within 1500 meters of the proposed project corridor west of I-95. Due to the schedule of the project it was determined that the survey should occur during the 2015 nesting season. In

Dr. Heath Rauschenberger

May 27, 2015

December 2014, FDOT's environmental consultant (E Sciences, Incorporated) met with the current USFWS Species Recovery Lead for caracara, Heather Tipton, to obtain additional guidance on survey design. Following coordination with USFWS, a final survey design was prepared and submitted to USFWS for concurrence prior to beginning the survey in 2015. On January 5, 2015, USFWS provided concurrence with the proposed methodology. Additional coordination with Ms. Tipton occurred several times during the survey timeframe between January and May to obtain additional guidance on adjustment of survey station locations, observation status, and clarification of recent recommendations regarding the survey methodology. During the survey three caracara sightings were recorded, but no evidence of nesting was observed. The lack of nest trees, and the failure of observed caracaras to display territorial behavior or nesting behavior, indicates those caracaras are not using the proposed project corridor for nesting. Additionally, only during one of the three caracara observations was scouting or foraging behavior noted and this occurred on April 30, 2015. Since this scouting or foraging behavior was only witnessed at the termination of the nesting season and with the absence of observed nesting behavior within the survey area, we believe that a *"may affect, not likely to adversely affect"* determination is warranted for the Audubon's crested caracara.

Eastern indigo snake

The proposed project corridor was evaluated for the potential to impact the Eastern indigo snake (indigo snake). To determine this potential, the habitat within the project corridor was assessed and a 95% gopher tortoise survey was performed. It was determined that only one acre of xeric habitat occurs within the project corridor and only one gopher tortoise burrow was located. Due to the habitats and land uses within the project corridor, it is unlikely that additional gopher tortoise burrows would be located. Additionally, the closest indigo snake observation, according to the Florida Fish and Wildlife Conservation Commission's (FWC) Wildlife Observation Database, is approximately 34 miles southwest of the project corridor. Using this information with the USFWS Eastern Indigo Snake Programmatic Effect Determination Key, the project was given a *"not likely to adversely affect"* determination.

Florida scrub-jay

In the Wetland Evaluation and Biological Assessment Report, dated January 2013, habitat that had the potential to support the Florida scrub-jay (scrub-jay) was identified within the study area. In May 2013, USFWS was consulted and a scrub-jay survey was recommended. In response to this recommendation, in October 2013 E Sciences, Incorporated (E Sciences) evaluated the habitats within the proposed project corridor and identified potential suitable scrub-jay habitat at one proposed pond site location, Pond 4A. Subsequently, a survey was performed by E Sciences in October 2013 and one scrub-jay was observed during a single survey event. Upon further consultation with USFWS (correspondence dated January and February, 2014), a spring survey was recommended to further evaluate the use of that site by scrub-jays. Although Pond 4A is no longer needed for this project, a portion of the property adjacent to the right-of-way is slated to be used for the relocation of the L-15 Canal. In order to evaluate this area for potential impacts to scrub-jays, FDOT requested E Sciences perform another scrub-jay survey in March 2015. No scrub-jays were observed or heard during the March 2015 survey event. Due to the marginal habitat, the elimination of Pond 4A from the project, the small area of impact, and the absence of scrub-jays during the March 2015 survey, we believe that a *"may affect, but is not likely to adversely affect"* determination is warranted for the Florida scrub-jay.

Dr. Heath Rauschenberger

May 27, 2015

We ask that you review the enclosed documents and provide concurrence with the FDOT's determinations for these species. I appreciate your assistance with this project. Please contact me at your earliest convenience if you have any concerns or require additional information. I can be reached by phone at 386-943-5411 or by email at william.walsh@dot.state.fl.us.

Sincerely,



FW William G. Walsh
Environmental Administrator
FDOT, District Five

Cc Catherine Owen, FDOT District Five
Joseph Sullivan, FHWA
Heather Chasz, E Sciences

Enclosures:

Audubon's Crested Caracara Survey Report
Eastern Indigo Snake Effect Determination
Florida Scrub-Jay Survey Memorandum



United States Department of the Interior

U. S. FISH AND WILDLIFE SERVICE

7915 BAYMEADOWS WAY, SUITE 200
JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:

FWS Log No. 41910-DOT- 2015-I-0330

July 29, 2015

Mr. William G. Walsh
Florida Department of Transportation
Environmental Administrator
District Five
605 Suwannee Street
Tallahassee, Florida 32399-0450

RE: I-95/ Ellis Road Interchange Protected Species Surveys

Dear Mr. Walsh:

The U.S. Fish and Wildlife Service (Service) has completed its review of the 2015 Protected Species Surveys and Informal Consultation for the I-95/ Ellis Road Interchange from I-95 to Wickham Road, submitted in May 27, 2015, and additional information submitted via email on July 6, 2015. The survey information was used to support of the Florida Department of Transportation's (FDOT) determination of "may affect, not likely to adversely affect" for the species listed below in the letter. The Service provides the following comments in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

Audubon's Crested Caracara (*Polyborus plancus audubonii*)

The caracara is a resident, diurnal, non-migratory species that occurs in Florida as well as the Southwestern U.S. and Central America. Only the Florida population, which is isolated from the remainder of the species, is listed as threatened under the Act. Suitable habitat for this species includes wet and dry prairies, improved pastures and lightly wooded areas. Cabbage palms, cypress, scrub oaks and saw palmetto may be habitat indicators as to the presence or absence of this species. The Service coordinated with FDOT and their consultant through emails, phone calls, and site visits to assist with survey design and protocol. During the survey period only three caracara sightings were recorded, but no evidence of nesting behavior or territorial displays were observed. Based the survey data and behavior of the caracara's observed, the Service concurs with the "may affect, not likely to adversely affect" determination.

Eastern Indigo Snake (*Drymarchon corais couperi*)

The eastern indigo snake occurs in a broad range of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. FDOT used the Service's Eastern Indigo Snake Programmatic Effect Key and project specific habitat assessments, and gopher tortoise surveys to analyze potential impacts to the

species. According to the habitat assessment, the proposed project will affect less than one acre of xeric habitat and will impact only one active gopher tortoise. Based on land use, proposed impacts to snake refugia (e.g. gopher tortoise burrow), historical observation data, and FDOT's commitment to implement the *Standard Protection Measures for the Eastern Indigo Snake*, the Service concurs with a 'may affect, but not likely to adversely affect' determination for the Eastern indigo snake.

Florida Scrub Jay (*Aphelocoma coerulescens*)

Potential habitat for the Florida scrub jay occurs at the proposed pond location, Pond 4A, and one scrub-jay was observed on October 11, 2013, during a single survey event. The Service recommended further evaluation and spring surveys based on these results. However, FDOT's final design eliminated Pond 4A from the project plan and proposed to minimize impacts to the area. As designed, impacts are slated to occur only on a portion of the property adjacent to Ellis Road for the proposed relocation of a canal. Because of the known occurrence in the area, FDOT conducted surveys for the species in March 2015, on the section adjacent to the right-of-way that is slated to be used for the canal location; no jays were observed. Based on avoidance, minimization, and survey data from the proposed canal relocation right-of-way, the Service concurs with a 'may affect, but not likely to adversely affect' determination for the Florida scrub jay.

Thank you for your cooperation and based on FDOT's determination and the Service's concurrence, no further action is required. Reinitiating consultation is required if new information reveals effects of the agency action may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; the agency action is subsequently modified in a manner that causes an effect to a listed species or critical habitat not considered in this consultation; if unauthorized take of any listed species (Audubon's crested caracaras, eastern indigo snake, or Florida scrub jay) occur during construction; or a new species is listed or critical habitat designated that may be affected by the action. If you have any questions regarding this response, please contact Ms. Tera Baird, of my staff at (904) 731-3196 or Ms. Lourdes Mena at (904) 731-3119.

Sincerely,



Jay B. Herrington
Field Supervisor

cc:

Catherine Owen, FDOT District Five
Joseph Sullivan, FHWA



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 South Woodland Boulevard
DeLand, Florida 32720

JIM BOXOLD
SECRETARY

October 1, 2015

Lourdes Mena
U.S. Fish and Wildlife Service
North Florida Ecological Services Office
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517

**SUBJECT: I-95/Ellis Road Interchange and
Ellis Road from I-95 to Wickham Road (CR 509) PD&E Study
Wood Stork (*Mycteria americana*) Effects Determination Concurrency
FDOT FPID No. 426905-1-22-01**

Dear Ms. Mena,

The Florida Department of Transportation District 5 (FDOT) has completed its review of impacts to wood stork core foraging area habitat for the subject project. The PD&E study limits begin west of I-95 at the terminus of the future extension of the St. Johns Heritage Parkway (SJHP) north of US Highway 192, and extends north, then eastward to the location of the proposed I-95/Ellis Road interchange. The interchange will extend eastward to connect with Ellis Road at the intersection of Ellis Road and John Rodes Boulevard. The PD&E study area continues east from John Rodes Boulevard to its terminus at Wickham Road. The PD&E concept includes a typical section from the SJHP to the proposed bridge over I-95 consisting of a limited access right-of-way approximately 255 feet in width to include a 4-lane divided rural section with eight-foot sidewalks and open drainage swales. The proposed bridge will be approximately 127 feet in width including four travel lanes with a north bound turn lane and sidewalks.

The adjoining typical section for Ellis Road from the bridge to John Rodes Boulevard will include a limited access right-of-way approximately 320 feet in width to accommodate a 4-lane divided urban section with sidewalks, bike lanes, and closed drainage. In January 2013, the PD&E Study identified the Preferred Alternative from John Rodes Boulevard to Wickham Road as a Standard 45 mph Urban Best Fit Alternative consisting of a 4-lane divided urban section with a 22-foot grass median, a 4-foot-wide bicycle lane, 5-foot sidewalk and curb and gutter stormwater collection.

The Service issued a determination of “not likely to adversely affect” (FWS Log NO. 41910-DOT-2015-I-0330) for the Audubon’s crested caracara (*Polyborus plancus audubonii*), Florida scrub-jay (*Aphelocoma coerulescens*), and Eastern Indigo snake (*Drymarchon corais couperi*) for this project on July 29, 2015. This determination however did not address wood storks (*Mycteria americana*). The project is located within the core foraging area (CFA) of six (6) previously documented wood stork colonies. The CFAs are described as follows:

SW Lake Washington, Brevard County
Lake Washington, Brevard County
US 192 East, Brevard County, No. 612138
US 192 West, Brevard County
Brevard, No. 616119
Valkaria, Brevard County, No. 616003

Although the wood stork colonies associated with each CFA were documented as once being active, the Florida Fish and Wildlife Conservation Commission Water Bird Locator website, which documents survey data from the 1970’s, 80’s and 90’s, was consulted to evaluate the current status of each CFA. Only the colony located at or near the location of Florida Water Bird Atlas No. 616303 was documented as an active wood stork colony in the 1990’s (March 1999). All others noted above were only documented as being active in either the 1970’s or 80’s.

Impacts to suitable foraging habitat within each of the CFA noted above, occurring as a result of the proposed project consists of approximately 21.29 acres of herbaceous wetlands and 1.45 acres of ditches and borrow pond littoral zone. Approximately 0.66 acres of suitable foraging habitat will be created through the construction of the stormwater management ponds serving the proposed project. The remaining 22.08 acres of impacts to suitable foraging habitat will be replaced through the purchase of herbaceous mitigation bank credits at the Mary A Ranch Wetland Mitigation Bank. The Mary A Ranch mitigation bank is located within CFA Colony No. 616003 and No. 616119. In addition, it should be noted that the Mary A Ranch mitigation bank is located less than 2 miles from the further extent of each of the other CFA encompassing the project. Furthermore, the boundary between those CFA’s defined by a 15 miles radius vs. those defined by an 18 mile radius is established in USFWS guidance using the location of local county boundaries.

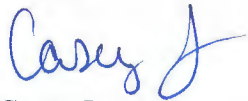
Therefore, although only two of the six CFA’s share a common location with the proposed project and the Mary A Ranch mitigation bank, it is likely due to variability in the actual

foraging area extents for wood stork in this region that newly established wood stork colonies within each of the remaining four CFA's would also benefit from suitable habitat established at the Mary A Ranch mitigation bank.

Given the above information, we respectfully request your concurrence that with appropriate mitigation from the Mary A Ranch Mitigation Bank, the proposed project would result in an effects determination of "not likely to adversely affect" for the wood stork. Should any design changes increase the amount of impacts to wood stork foraging habitat, the FDOT commits to purchase the appropriate mitigation to offset these impacts.

Please feel free to contact me if you have any questions regarding this request.

Sincerely,



Casey Lyon

District Environmental Permit Coordinator

Florida Department of Transportation, District 5

Cc: William Walsh, FDOT District 5, Environmental Management Office
Mary McGehee, FDOT District 5, Environmental Management Office
David Mahnken, E Sciences



United States Department of the Interior

U. S. FISH AND WILDLIFE SERVICE

7915 BAYMEADOWS WAY, SUITE 200
JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:

FWS Log No. 04EF1000-2016-I-0007

October 9, 2015

Casey Lyon
Environmental Permit Coordinator
Florida Department of Transportation, District 5
719 S. Woodland Blvd.
Deland, FL 32720

RE: I-95/Ellis Road Interchange and Ellis Road from I-95 to Wickham Road (CR 509) Project
Development & Environment (PD&E) Study Wood Stork Effects Determination
Brevard County, Florida
FDOT FPID Number: 426905-1-22-01

Dear Ms. Lyon:

The U.S. Fish and Wildlife Service (Service) has completed its review of the Wood Stork (*Mycteria americana*) information provided in the Wetland Evaluation and Biological Assessment Report (WEBAR) and the request for concurrence for the I-95/Ellis Road Interchange and Ellis Road from I-95 to Wickham Road (CR 509) Project PD&E Study determination. The Service received a request from the Florida Department of Transportation (FDOT) for informal consultation on October 1, 2015, to review FDOT's effects determination for impacts to wood storks from the proposed study. The PD&E study includes the future extension of the St. John's Heritage Parkway and extends to the proposed location of the I-95/Ellis Road interchange. A proposed bridge over I-95 and right-of-way is also included in the Study. The Service provides the following comments in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).


The Service has reviewed FDOT's effects determination and commitments, as well as the information provided in the WEBAR, and the most recent data for wood stork colonies in Brevard County for potential impacts to species listed under the Endangered Species Act. The proposed project will impact 21.29 acres of herbaceous wetlands and 1.45 acres of ditches and borrow pond littoral zone. FDOT identified core foraging areas of six (6) wood stork colonies within the proposed project's impact area. To offset impacts to wetlands used as wood stork core foraging areas (CFA) FDOT proposes the creation of 0.66 acres of stormwater management ponds, which will serve the proposed project, and the purchase of 22.08 acres of herbaceous wetlands in the Mary A. Ranch Wetland Mitigation Bank. The mitigation bank is located within two of the six wood stork colonies CFA (No. 616003 and No. 616119) identified by FDOT.

Telemetry data from birds tracked from 2004-2014 shows that wood storks used the area around the proposed project and were active in at least five of the identified colonies within the 13-mile

suitable core foraging habitat buffer. The Kemper Ranch, Deseret Ranch, Grange Island BC49, Brevard County Maintenance Shop, Micco South BC52, and Lake Poinsett colonies were all active in Brevard County in 2014. None of these active colonies are within 2,500 feet of the proposed project. It is also our understanding that FDOT's commitments were taken into account in their effects determination. The Service identified the Micco South BC53 and the Grange Island BC49 as active colonies having their CFAs within 13 miles of the Mary A. Ranch mitigation bank. In addition, all of the other colonies identified are within the service area of the mitigation bank. After analyzing our data and the information provided by FDOT the Service concurs with FDOT's determination of "may affect not likely to adversely affect".

Thank you for considering the effects of your proposed project on fish and wildlife, and the ecosystems upon which they depend. Although this does not represent a biological opinion as described in Section 7 of the Act, it does fulfill the requirements of the Act. Should changes to the proposed project occur or new information regarding fish and wildlife resources become available, further consultation with the Service should be initiated to assess any or further potential impacts. If you have any questions, please contact Lourdes Mena at (904)731-3119.

Sincerely,


for Jay B. Herrington
Field Supervisor

cc: Joe Sullivan, FHWA
William Walsh, FDOT District 5