

I-4 Project Development and Environment (PD&E) Study
from east of 50th Street to the Polk Parkway

ADDENDUM - Wetland Evaluation and
Biological Assessment Report

Cover Update May 2018

Project Limits:

I-4 from east of 50th Street to Polk Parkway

Hillsborough County, Florida
Polk County, Florida

Work Program Item Segment Number:
431746-1

Prepared for:

Florida Department of Transportation
District Seven
11201 North McKinley Drive
Tampa, Florida 33612-6456



Prior to the public hearing held on October 19, 2015, a Draft *Wetland Evaluation Biological Assessment Report (WEBAR)* was prepared as part of the I-4 (SR 400) Project Development & Environment (PD&E) Study. The draft WEBAR provided results of an evaluation of wetlands and protected species within the I-4 (SR 400) right of way (ROW) and measures to avoid, minimize, and mitigate for any potential impacts from the proposed improvements, which were presented at the hearing. Following the Public Hearing, slight revisions to the recommended typical sections presented at the Public Hearing were developed. These new recommended typical sections are anticipated to improve safety along the corridor through providing 12-foot lanes. The purpose of this WEBAR Addendum is to determine the effect, if any, of the revised typical sections on the natural environment including wetlands and protected species. The new recommended typical sections did not change environmental impacts, nor introduce any additional right of way requirements.

Wetlands

Wetlands and surface water were assessed to determine potential impacts associated with the proposed improvements along I-4 (SR 400). Pursuant to Executive Order 11990 entitled "Protection of Wetlands," (May 1977) the U.S. Department of Transportation (USDOT) developed a policy, Preservation of the Nation's Wetlands (USDOT Order 5660.1A), dated August 24, 1978, which requires all federally authorized transportation projects to protect wetlands to the fullest extent possible. In accordance with this policy, as well as *Part 2, Chapter 18 - Wetlands and Other Surface Waters* of the FDOT PD&E Manual, wetlands and surface water impacts were assessed.

Although unavoidable wetland impacts will occur as a result of the proposed improvements along I-4 (SR 400), these wetlands are located adjacent to the existing roadway and were previously disturbed by roadway construction, adjacent land uses, and the invasion of nuisance and exotic species. Wetland, jurisdictional surface water and stormwater management facilities (conveyance) acreages were calculated assuming complete involvement of the ROW. This approach resulted in a "worst-case" scenario for estimated impacts. Identified and mapped within the proposed I-4 (SR 400) project were 17.93 acres of jurisdictional wetlands and 67.16 acres of jurisdictional

surface waters and stormwater management facilities (conveyances). Of the 67.16 acres, 20.63 acres are previously permitted stormwater management facilities (conveyances) which were designed, and constructed to accommodate the future expansion of I-4 (SR 400) to 10 lanes. Pursuant to Chapter 62-340.700 Florida Statutes, these types of features are not jurisdictional and therefore do not require mitigation. Jurisdictional surface waters comprise 46.53 acres and may fully or partially be impacted due to proposed construction of the proposed improvements along I-4 (SR 400).

Final determination of jurisdictional boundaries, in addition to mitigation requirements, will be coordinated between the FDOT and permitting agencies during the final design stage of the project. The results of this PD&E study indicate there are no practicable alternatives to the proposed impacts due to the need to increase roadway capacity and safety considerations.

Protected Species

The project ROW was evaluated for the presence of federal and/or state protected species and their suitable habitat in accordance with 50 Code of Federal Regulation (CFR) Part 402 of the Endangered Species Act (ESA) of 1973, as amended, Chapters 5B-40: *Preservation of Native Flora of Florida* and 68A-27 Florida Administrative Code (F.A.C) *Rules Relating to Endangered or Threatened Species* and *Part 2, Chapter 27 - Wildlife and Habitat Impacts* of the FDOT PD&E Manual.

Literature reviews, agency database searches and field reviews were conducted to document state and federally protected species presence, their habitat and/or critical habitat occurring or potentially occurring within the project area. The project *may affect, but is not likely to adversely affect* federal and state protected species.

Federally protected species include:

- Eastern indigo snake
- Florida scrub jay
- Florida golden aster

- Wood stork

State protected species include:

- Florida burrowing owl
- Florida sandhill crane
- Gopher tortoise
- Southeastern American kestrel
- Sherman's fox squirrel
- Wetland dependent avian species

The project *may affect, but is not likely to adversely affect* one protected, non-listed species:

- Bald eagle

The project is anticipated to have *no effect* on the sand and blue-tailed mole skink.

Coordination with U.S. Fish and Wildlife Service (FWS) was conducted on June 5, 2015 for review of the Final Draft WEBAR. FDOT received a letter from the FWS on July 21, 2015 in which the FWS concurred with the determination of affect for federally protected fauna. The FWS was contacted in July 2016 to determine if the Addendum needed to be sent to them for review. It was determined that the change in typical sections did not impact the Effects Determination. Please see Attachment A for FWS concurrence letter.

Coordination with Florida Fish and Wildlife Conservation Commission (FFWCC) was conducted in July, 2016 for the review of the Final Draft WEBAR. FDOT received an email in August, 2016 from the FFWCC stating concurrence with the commitments outlined in the document. Please see Attachment B for the FFWCC concurrence email.

[Commitments](#)

- Wetland impacts, including impacts to wood stork suitable foraging habitat that will result from the construction of this project will be mitigated for pursuant to

Section 373.4127, F.S., or as otherwise agreed upon between FDOT and the appropriate regulatory agencies during the design phase.

- Due to the presence of gopher tortoise habitat and the observation of a potentially occupied burrow within the project limits, a gopher tortoise survey of appropriate habitat within the construction limits (roadway footprint and stormwater management areas) will be performed prior to construction activities pursuant to the current FFWCC guidelines. The Gopher Tortoise Permitting Guidelines, revised February 2015 will be adhered to for survey methodology and permitting guidance prior to construction activity. FDOT will secure any necessary permits needed for this species from the FFWCC and relocate gopher tortoise prior to construction.
- The USFWS's most current *Standard Protection Measures for the Eastern Indigo Snake* will be adhered to during construction.
- If active bald eagle nests are observed within the 660-foot construction buffer zone of the project area, the FDOT will coordinate with FFWCC and USFWS to secure all necessary approvals regarding this species prior to constructing the project.
- FDOT commits to initiate future informal consultation with the USFWS and provide updated information as necessary for the federally protected species that may be involved with the proposed project.

Conclusion

The Recommended Build Alternative provides for two express lanes (ELs) in each direction of I-4 from 50th Street to the Polk Parkway. Following the Public Hearing, slight revisions to the recommended typical sections presented at the Public Hearing were developed. These new recommended typical sections are anticipated to improve safety along the corridor through providing 12-foot lanes. The new recommended typical sections did not change environmental impacts, nor introduce any additional right of way requirements. The new recommended proposed typical sections predominantly allow for two 12-foot ELs, barrier separation, and three 12-foot general use lanes (GULs) in each direction. In order to minimize environmental impacts due to right of way constraints, from West of Alexander Street to County Line Road has a

recommended typical section with two 11-foot ELs and a 3-foot buffer instead of 12-foot ELs and barrier separation as recommended throughout the remainder of the project. The new recommended proposed typical sections can be found on the following page.

The findings from the WEBAR have not changed as a result of the new recommended typical sections.

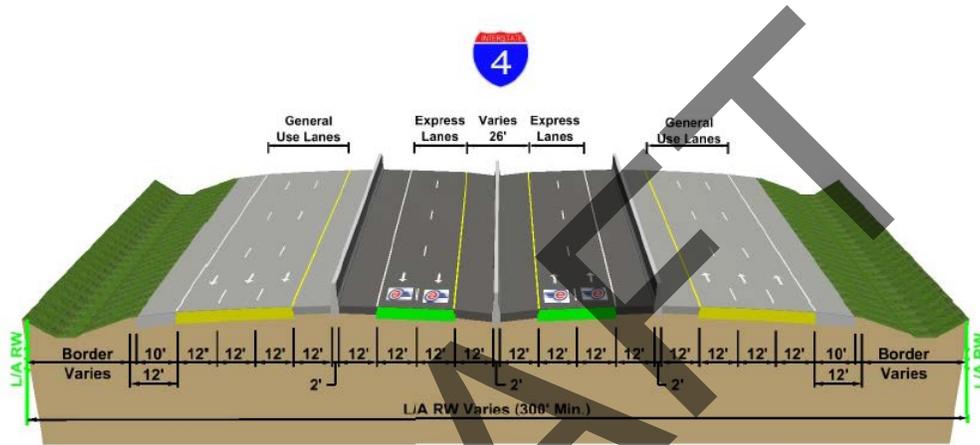


Figure 1. New Recommended Proposed Typical Section

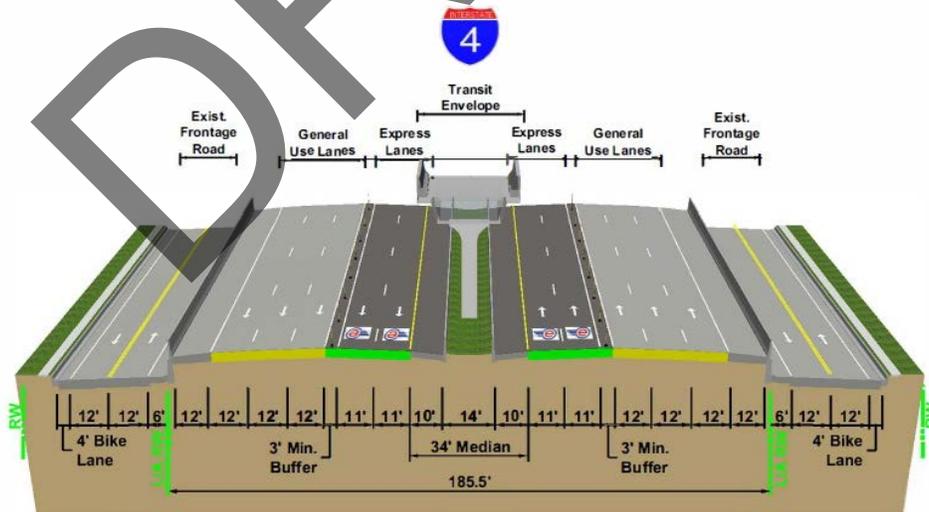
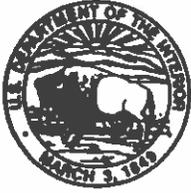


Figure 2. New Recommended Proposed Typical Section in Plant City

**APPENDIX A – FWS
Concurrence Letter**

DRAFT



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. 41910-2015-1-0295

July 21, 2015

Nicole Selly
District 7 Environmental Administrator
Florida Department of Transportation
11201 N. McKinley Drive
Tampa, Florida 33612-6456

RE: PD&E Study (I-4/50th Street to Polk Parkway)
FDOT Work Program Number: 431746-1
Hillsborough and Polk Counties, Florida

Dear Ms. Selly:

The U.S. Fish and Wildlife Service (Service) has completed its review of the final draft Project Development and Environment Study (PD&E) and Wetland Evaluation and Biological Assessment Report (WEBAR). The PD&E Study evaluates the need for express lane improvements along the 22.1 mile segment of I-4 (SR400) from east of 50th Street (US 41/SR 583) in Hillsborough County to the Polk Parkway (SR 570) in Polk County, Florida. A preferred alternative has not been selected but the PD&E study takes a conservative approach of worst case scenario and satisfies all applicable federal and state requirements, including the National Environmental Policy Act (NEPA), in order for this project to qualify for federal-aid funding of subsequent development phases (design, right of way acquisition, and construction). 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 received a request from the Florida Department of Transportation (FDOT) for informal consultation on June 5, 2015, to review the WEBAR dated June 2015. It is our understanding that the FDOT intends to continue informal consultation for the project's effects on the listed species during its future permitting process. It is also understood that the Service's informal consultation on the project will be concluded before the project advances to the construction phase. In this case FDOT, in compliance with Section 7 of the Endangered Species Act, agrees not to begin construction on the project as described in the WEBAR, or otherwise make any irreversible or irretrievable commitment of resources that precludes the implementation of any reasonable and prudent alternatives until informal consultation with the Service is completed. The Commitments and Recommendations Section of the final FHWA approved NEPA document for the project will include a commitment to continue informal Section 7 consultation with this agency during the project's future permitting process. Given this

commitment and based on the current project development and environment study phase information for the proposed project, we are providing the following review of the project's potential to affect species listed under the Endangered Species Act.

Eastern Indigo Snake (*Drymarchon corais couperi*)

The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Individuals were not observed during field surveys along the right of way (ROW) but suitable habitat for the species was identified within or adjacent to the project ROW. FDOT is committed to implementing the *Standard Protection Measures for the Eastern Indigo Snake* during the construction phase of this project. Based on this commitment and our review of the information available in the WEBAR the Service could concur with a 'may affect, but not likely to adversely affect' determination for the Eastern indigo snake.

Florida Scrub Jay (*Aphelocoma coerulescens*) and Florida Golden Aster (*Chrysopsis floridiana*)

Marginal habitat for the Florida scrub jay and the Florida golden aster was identified adjacent to the ROW of the proposed project. Surveys for these species were conducted and no species were observed. Habitat composition was also assessed during the site visit on July 15, 2015 and found to marginal scrub jay habitat at best. The Service could concur with a 'may affect, but not likely to adversely affect' determination for both of these species.

Sand skink (*Plestiodon reynoldsi*) and Blue-tailed mole skink (*Plestiodon egregius lividus*)

Sand skinks and bluetail mole skinks are found in interior peninsular Florida. Both species are most commonly associated with xeric vegetation that contain a mosaic of open sandy patches interspersed with forbs, shrubs and trees. FDOT's preliminary survey identified a lack of suitable habitat, soil or elevation for the skinks. Based on the available data and the preliminary surveys in the WEBAR the Service could concur with a no effect determination for both of these species.

Wood stork (*Mycteria americana*)

In Florida, wood storks depend on wetlands for foraging and nesting. They have been documented foraging in forested wetlands, cypress domes, fresh water marshes, retention ponds and roadside ditches. Surveys done for this project observed five wood storks foraging in a wetland habitat along the north side of I-4. There are 14 wood stork Core Foraging Areas located within this project area, of which one nesting colony is approximately 1400-feet from the project ROW. Suitable Foraging Habitat (SFH) is located within the existing ROW of the I-4 corridor and areas adjacent to the project limits. The FDOT is committed to providing the appropriate mitigation to compensate for any loss of suitable wood stork foraging habitat. An assessment of the nesting site was done during a site visit on July 15, 2015, and we reviewed the current information available for this colony. Our analysis indicates that the habitat at the nesting colony found at East Lake Bird Island is lacking nesting substrate for wood storks and that this colony was last active in 2008. Based on FDOT's commitment to mitigating any impacts

to Suitable Foraging Habitat, the current lack of nesting substrate at East Lake Bird Island, and our review of the information available in the WEBAR the Service has concludes that this project 'may affect, but will not likely to adversely affect' the wood stork.

Although this colony is not currently active, we would like to recommend the use of noise reduction and visual barriers in the work area near the nesting colony. The Island has the required conditions for a wood stork nesting colony and the use of noise and visual barriers would benefit wood storks which may attempt to nest or forage in or near the Island. The barriers would also benefit other birds, such as egrets and herons, which are known to use the area for foraging.

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 the species status and changes to and refinement of the proposed project not initially considered should be evaluated. All additional information available will be evaluated when ESA consultation is reinitiated.

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. Wetlands adjacent to the existing roadway were previously disturbed by road construction and were permitted for the expansion of I-4.

If you have any questions, please contact Lourdes Mena at (904)731-3119. Thank you for considering the effects of your proposed project on fish and wildlife, and the ecosystems upon which they depend.

Sincerely,


for Jay Herrington
Field Supervisor

**APPENDIX B – FFWCC
Concurrence Email**

DRAFT

Sierra Lauck

From: admin@fla-etat.org
Sent: Thursday, August 11, 2016 9:05 AM
To: jennifer.goff@MyFWC.com
Cc: Selly, Nicole
Subject: Document Review Confirmation for WEBAR I-4 from east of 50th Street to Polk Parkway

Follow Up Flag: Follow up
Flag Status: Flagged

A review was received for the following:

Event: I-4 from east of 50th Street to Polk Parkway WEBAR
Document: WEBAR I-4 from east of 50th Street to Polk Parkway
Submitted By: Jennifer Goff
Global: Yes
Comments:

The Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the Draft Wetland Evaluation and Biological Assessment Report (WEBAR) for the above-referenced project, prepared as part of the PD&E Study. We have previously reviewed this project via the Efficient Transportation Decision Making process as ETDM #13808. We provide the following comments and recommendations for your consideration in accordance with Chapter 379, Florida Statutes and Rule 68A-27, Florida Administrative Code (F.A.C.).

The project involves an evaluation of express lane improvements along a 22.1-mile segment of I-4 between east of 50th Street in Hillsborough County to the Polk Parkway (SR 570) in Polk County. In this area, I-4 currently has three general use lanes in each direction. This project would add two express lanes in each direction, with most of the work occurring within the existing right-of-way (ROW). A preferred alternative has not been selected at the time this report was completed; therefore wetland/surface waters, protected species and suitable habitat identified within the limits of the existing ROW were estimated as "potential" impacts. This conservative approach results in a "worst-case" scenario of estimated impacts. The project vicinity is a mix of residential and commercial development, agriculture, upland forests and brush land, herbaceous and forested wetlands, and man-made ponds and lakes.

The WEBAR evaluated potential project impacts to 20 wildlife species classified under the Endangered Species Act as Federally Endangered (FE) or Threatened (FT), or by the State of Florida as Threatened (ST) or Species of Special Concern (SSC). Listed species were evaluated based on range and potential appropriate habitat or because the project is within a U.S. Fish and Wildlife Service (USFWS) Consultation Area. Included were: Eastern indigo snake (FT), sand skink (FT), blue-tailed mole skink (FT), wood stork (FE), Florida scrub jay (FT), gopher frog (SSC), gopher tortoise (ST), Florida pine snake (SSC), Florida burrowing owl (SSC), Southeastern American kestrel (ST), Florida sandhill crane (ST), roseate spoonbill (SSC), limpkin (SSC), snowy egret (SSC), reddish egret (SSC), little blue heron (SSC), tricolored heron (SSC), white ibis (SSC), Sherman's fox squirrel (SSC), and Florida mouse (SSC).

Also evaluated was the bald eagle, which was delisted by state and federal agencies, but this species remains protected under state rule in Section 68A-16.002, F.A.C. and by the federal Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d).

Project biologists made a finding of "no effect" for the sand skink and blue-tailed mole skink due to a lack of suitable habitat for these species within the project area. The biologists determined that the project "may affect, but is unlikely to adversely affect" all the other species. We agree with these determinations.

We support the project commitments for protected species, which include the following.

1. The standard FDOT Construction Precautions for the Eastern Indigo Snake will be followed during construction.
2. Due to the presence of gopher tortoise habitat within the project area, a gopher tortoise survey in appropriate habitat will be performed within construction limits prior to construction, and the FDOT will secure any relocation permit from the FWC.

Please reference the FWC's Gopher Tortoise Permitting Guidelines (Revised February 2015

<http://myfwc.com/media/2984206/GT-Permitting-Guidelines-FINAL-Feb2015.pdf>) for survey methodology and permitting guidance prior to any construction activity. Specific guidance in the permitting guidelines includes methods for avoiding permitting as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities.

3. Impacts to potential wood stork suitable foraging habitat will be evaluated during the design phase, and mitigation for unavoidable impacts will be provided as appropriate.
4. If active bald eagle nests are observed prior to or during construction within 660 feet of the construction limits, further coordination will occur with the FWC and/or USFWS as appropriate.

The WEBAR identified 17.93 acres of jurisdictional wetlands and 46.53 acres of jurisdictional surface waters that may be affected by this project. Final determination of jurisdictional boundaries, in addition to mitigation requirements, will be coordinated between the FDOT and permitting agencies during the final design stage of

the project. Future refinement of the I-4 Preferred Alternative during the final design phase may result in lessened wetland and surface water impacts. We agree with the findings of this evaluation.

We appreciate the opportunity to provide input on highway design and the conservation of fish and wildlife resources. Please contact Brian Barnett at (772) 579-9746 or email brian.barnett@MyFWC.com to initiate the process for further overall coordination on this project.

DRAFT