

RE-EVALUATION FORM

1. GENERAL PROJECT INFORMATION

A. Re-evaluation Type(s): Design Change

B. Original approved Environmental Document:

Document Type: Type 2 CE

Date of Approval: 12/06/2022

Project Numbers:

14374

443368-2-22-01

N/A

ETDM (if applicable)

Financial Management

Federal-Aid

Project Name: US98/SR35/SR700 FROM CR54 TO US301/US98/SR35/SR700

Project Location: FDOT District 7 (Pasco County)

Project Limits: US 98 / SR 35/ SR 700 from Polk County Line / CR 54 to US 301 / US 98 / SR 35 / SR 700 (from MP 0.000 to MP 8.183)

C. Prior Re-evaluation(s):

There is no previous re-evaluation of this Environmental Document.

D. Project or project segment(s) being evaluated

FAP Number	FM Number	Project/ Segment Name	Project/ Segment Location	Type(s)				Project/ Segment Letting Type	Funding
				PE	DC	ROW	CON		
	443368-3-52-01	US 98/SR 35/SR 700 FROM POLK CO LINE/CR54 TO US 301/SR 35/SR 39/SR 700	District 7 - PASCO	☐	☒	☐	☐	Design Build	State

2. PROJECT DESCRIPTION

The Florida Department of Transportation (FDOT) District 7 completed a Project Development and Environment (PD&E) study along US Highway 98 (US 98) / State Road 35 (SR 35) / SR 700 from County Road 54 (CR 54) to US 301 / SR 39, in Pasco County. The proposed improvements consisted of widening US 98 from a 2-lane undivided facility to a 4-lane divided facility from CR 54 to north of Townsend Road, approximately 6.8 miles, and realign US 98 from north of Townsend Road to US 301, approximately 2.0 miles. The realignment allows US 98 to align with the Clinton Avenue (New SR 52) intersection at US 301 and was the result of a separate Alternative Corridor Evaluation (ACE) study (Work Program Item (WPI) Segment Number (No.) 443368-1).

The 4-lane divided facility will consist of two 11 to 12-foot travel lanes in each direction separated by a median which varies from 14 to 40 feet. Where the existing roadway is widened, the roadway consists of rural typical sections with two 12-foot travel lanes in each direction and will fit within the existing 160-foot wide right-of-way. In the realignment section, the roadway consists of a suburban typical section with two 12-foot travel lanes in each direction located within a

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proposed 245-foot wide right-of-way and includes a 6-foot sidewalk on the east side of the road and a 12-foot shared use path on the west side of the road. Where the new US 98 connects to Clinton Avenue and extends to US 301, the roadway consists of an urban typical section with two 11-foot travel lanes in each direction within a 140-foot wide right-of-way and includes a 6-foot sidewalk on the east side of the road and a 10-foot shared use path on the west side of the road that connects to the existing shared use path on US 301. At the Hillsborough River and Old Lakeland Highway / CSX Railroad locations, the bridges will be replaced with twin bridges with two 12-foot travel lanes with 6-foot inside shoulders and 10-foot outside shoulders. Both bridges will include barrier separated 10-foot walkway to accommodate future shared use path and/or sidewalk (bicycle and pedestrian) accommodations and will be located within the existing 160-foot right-of-way. The remaining segment of Old US 98 between the new US 98 connection and US 301 (Mile Post (MP) 7.185 to MP 8.183) will be milled and resurfaced.

Following a Public Hearing held on December 2, 2021, the FDOT's Office of Environmental Management (OEM) approved a Type 2 Categorical Exclusion for this project on December 6, 2022. The Type 2 Categorical Exclusion approval also constituted the Construction Authorization. This Design-Build project began construction in 2023.

This re-evaluation analyzes design changes made since the approval of the Type 2 Categorical Exclusion. Figure 1 provides a Project Location Map with a status update of the project segments.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
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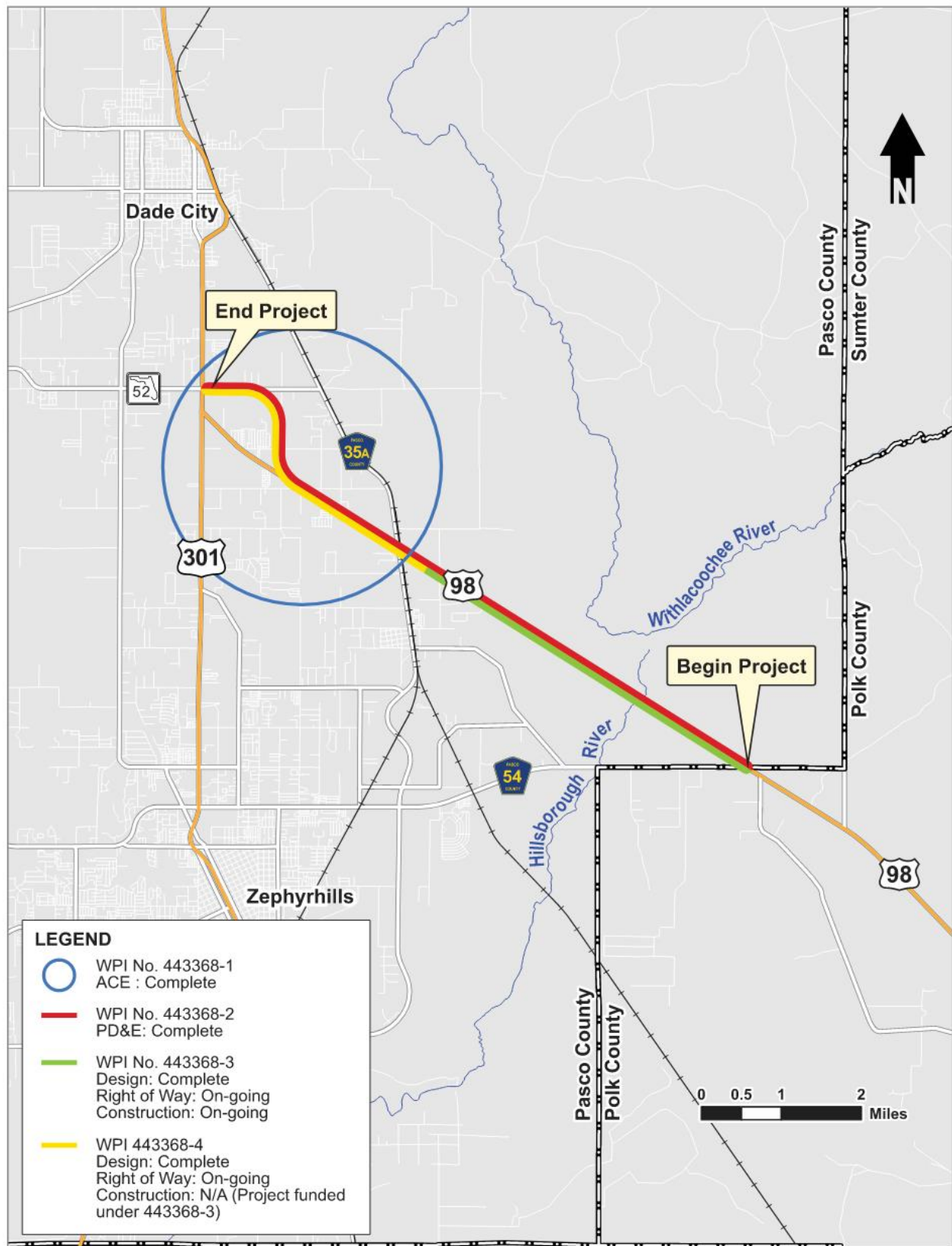


Figure 1 - Project Location Map

**RE-EVALUATION
FORM****3. CHANGES IN APPLICABLE LAW OR REGULATION**

Are there changes in federal or state laws, rules, regulations, or guidance that require consideration since the date of the original Environmental Document or most recent Re-evaluation(s)? Yes

The following changes in the status of federal and state-protected species have occurred since the original Environmental Document, pursuant to Chapter 68A-27, Florida Administrative Code (F.A.C.) - Rules Relating to Endangered of Threatened Species and 50 Code of Federal Regulations (CFR) 17.11 and 17.12. Endangered and Threatened Wildlife and Plants:

1. On September 13, 2022, the U.S. Fish and Wildlife Service (USFWS) announced a proposal to list the tricolored bat (*Perimyotis subflavus*) as an endangered species under the ESA (1973). The USFWS determined that the designation of critical habitat for the species is not prudent.
2. As of October 12, 2022, the USFWS found that the status of the gopher tortoise populations in the eastern segment, which includes Florida, Georgia, South Carolina, and most of Alabama, does not require protections under the Endangered Species Act (ESA) and will be withdrawn as a candidate for listing in accordance with 50 CFR 17 as published in the Federal Register as 87 FR 61834.
3. As of October 3, 2023, the USFWS is proposing to list the short-tailed snake (*Lampropeltis extenuata*) as federally threatened under the ESA. The USFWS has determined that the designation of critical habitat is prudent, but indeterminable at this time. This proposed listing is currently under public review.
4. As of December 12, 2024, the USFWS is proposing to list the monarch butterfly (*Danaus plexippus*) as federally threatened and designate critical habitat under the ESA. This proposed listing is currently under public review.

4. EVALUATION OF MAJOR DESIGN CHANGES AND REVISED DESIGN CRITERIA

Are there major design changes, including but not limited to changes in the alignment(s), typical section(s), drainage/stormwater requirements, design control and criteria, or temporary road or bridge? Yes

As part of the design-build final design and right-of-way acquisition process, the following modifications to the Preferred Alternative Concept Plans from the approved Type 2 Categorical Exclusion have been made. The changes include the following:

1. Acquisition of U.S. Department of Agriculture (USDA) Parcel for access to Pond 400 (See Figure 2)
2. Relocation of Pond 400 (See Figure 2)
3. Acquisition of Permanent Easement 805 (See Figure 2)

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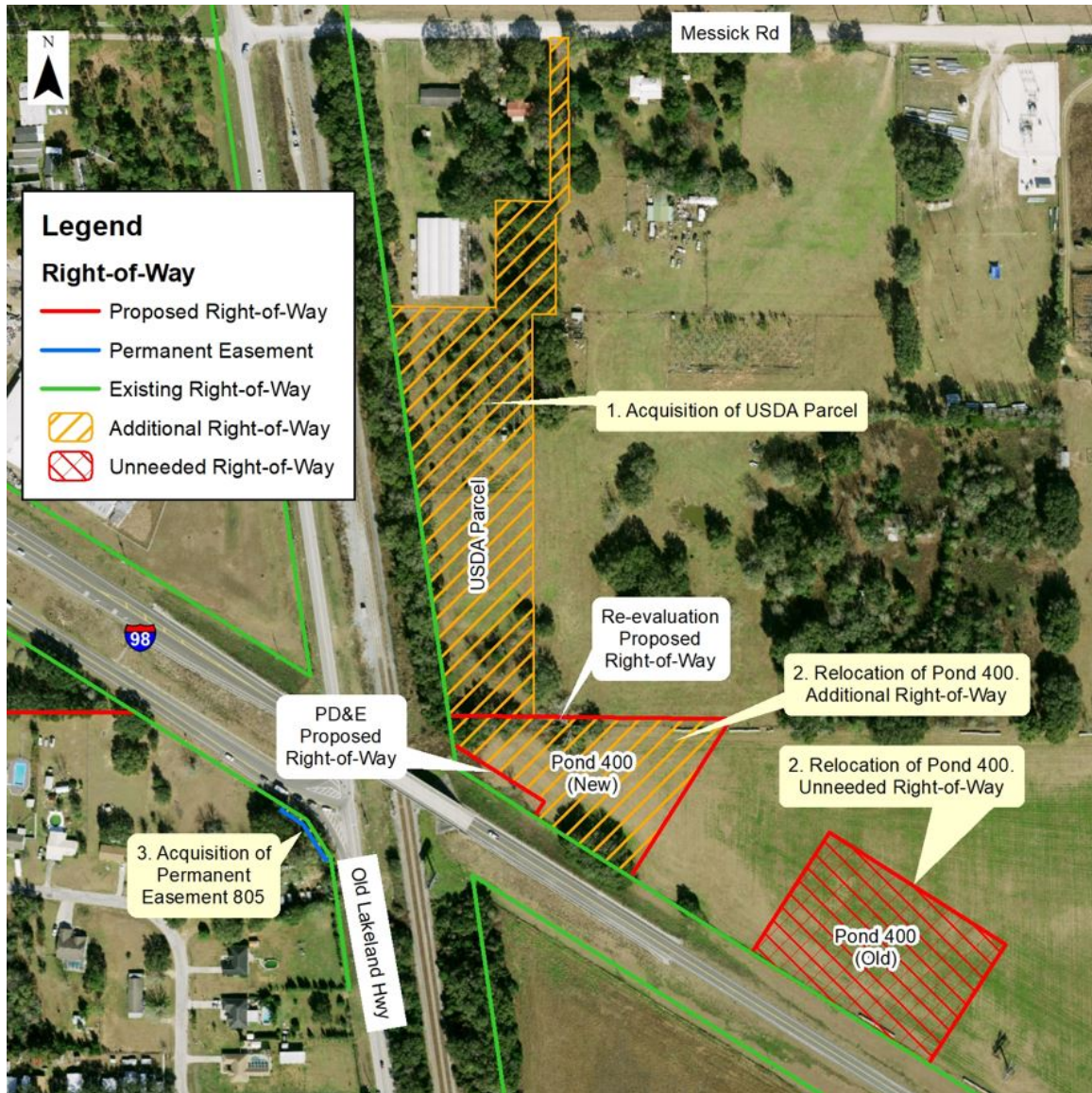
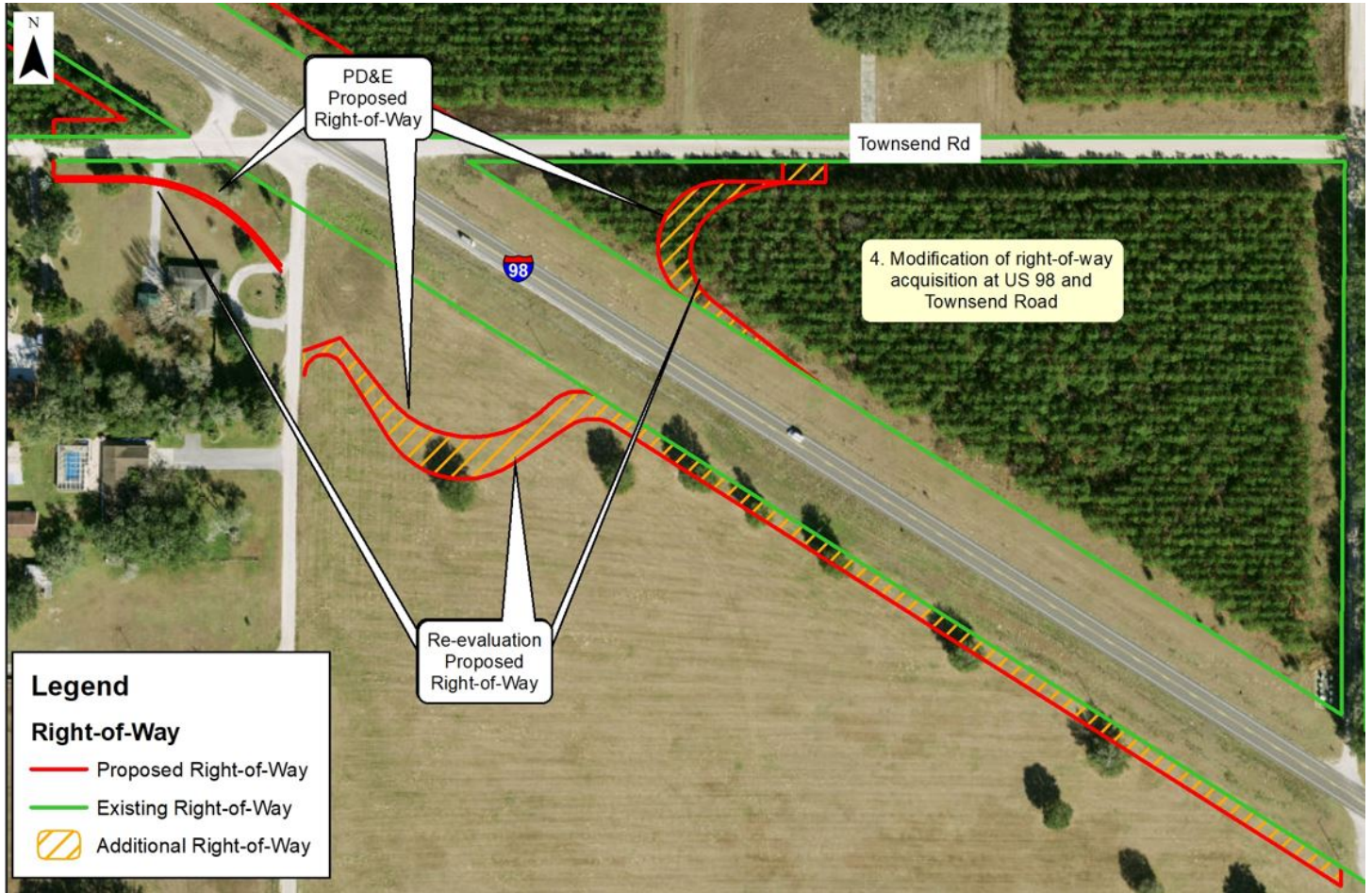


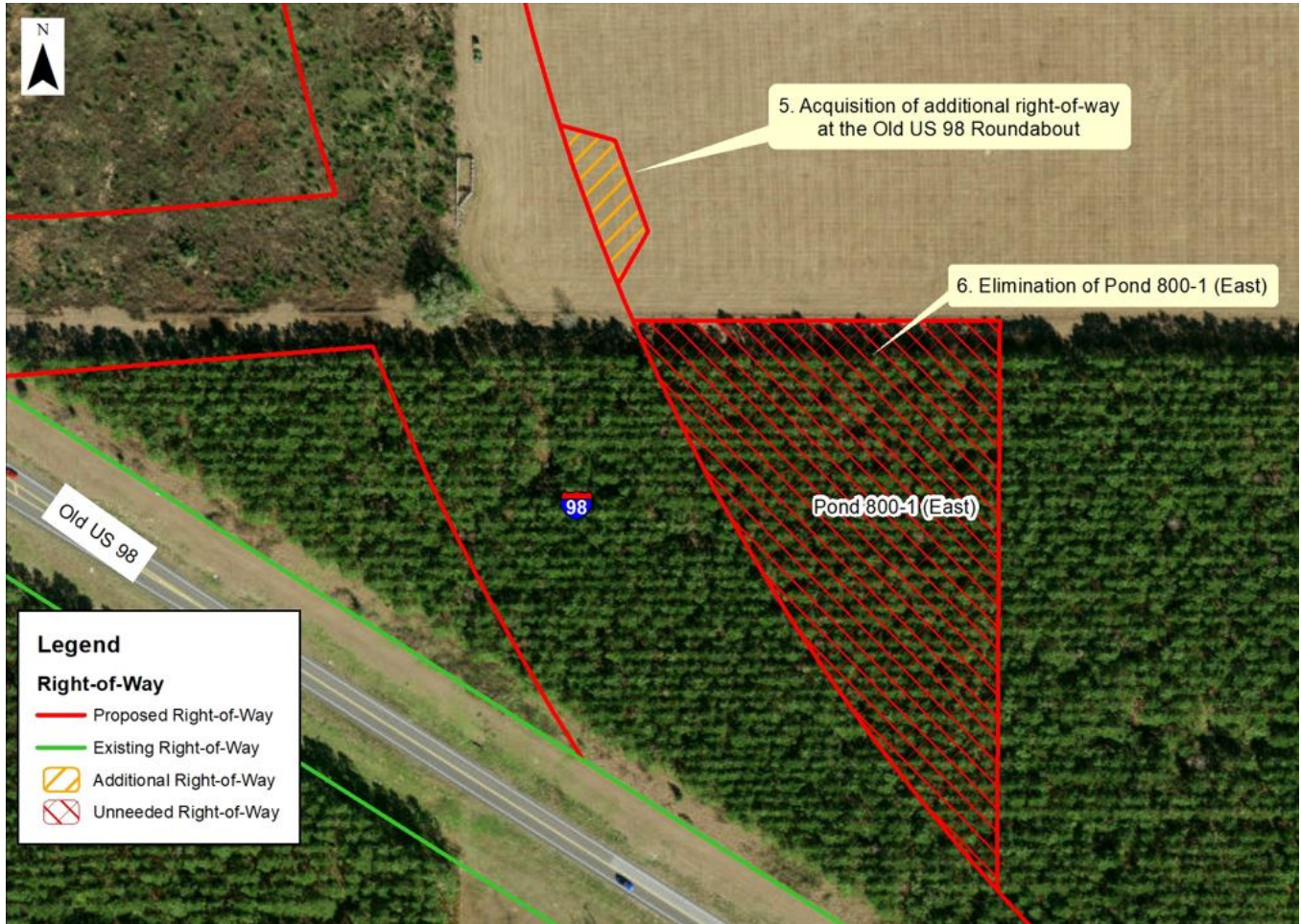
Figure 2

4. Modification of right-of-way acquisition at US 98 and Townsend Road (See Figure 3)

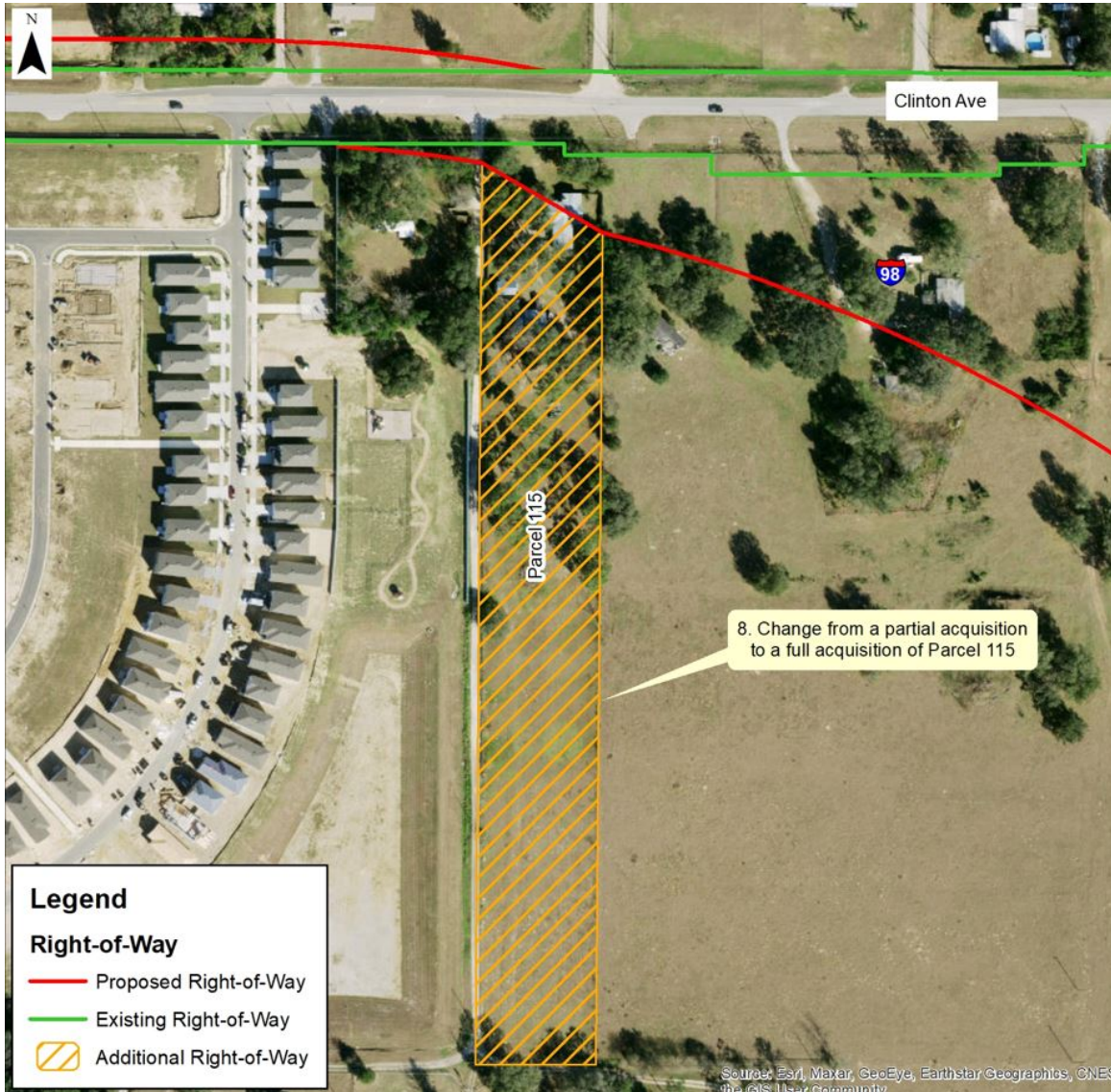
**RE-EVALUATION
FORM****Figure 3**

5. Acquisition of additional right-of-way at the Old US 98 Roundabout (See Figure 4)

6. Elimination of Pond 800-1 (East) (See Figure 4)

**RE-EVALUATION
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7. Change from a partial acquisition to a full acquisition of Parcel 115 (See Figure 5)

**RE-EVALUATION
FORM****Figure 5**

8. Elimination of floodplain compensation sites (FPC) 300-1 North and FPC 300-1 South (See Figure 6)

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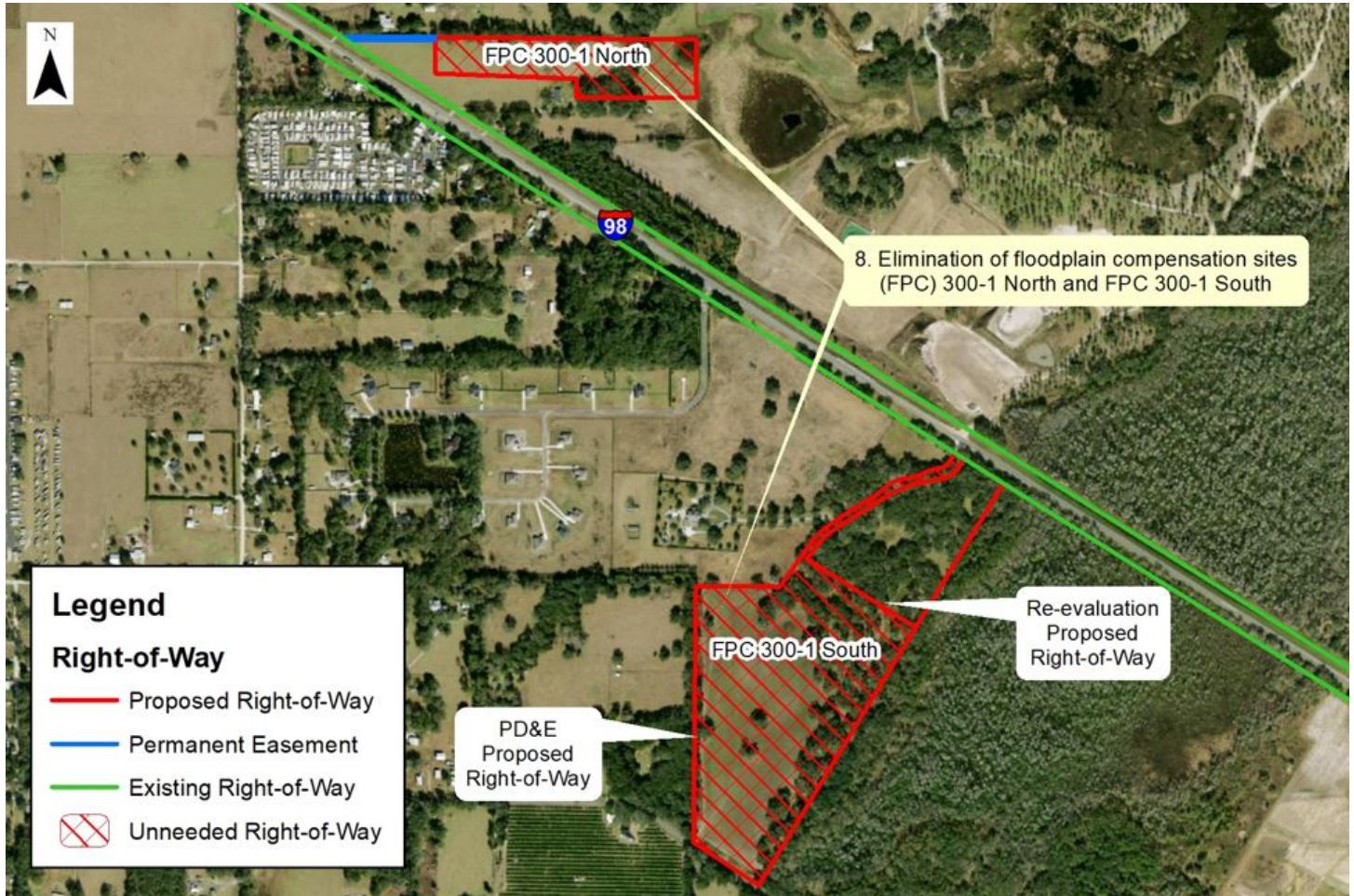


Figure 6

9. Modification of medians: A full median opening added at Station (Sta.) 1122; the median opening at Sta. 1140 was modified to a directional opening; and, the configuration of the directional opening at Sta. 1173 was modified.

10. Landscaping has been added to the project.

5. PUBLIC INVOLVEMENT

Were there additional public involvement activities? Yes

FDOT District Seven held a virtual and in-person public meeting for proposed access changes on US 98 between 7th Street South and 7th Street North (Financial Project Number (FPN) 256423-3-52-01) and US 98 between the Polk County Line and US 301 (FPN 443368-3-52-01). The purpose of the meeting was to afford affected property and business owners, interested persons and organizations the opportunity to ask questions and provide comments to FDOT regarding proposed access changes. To allow for maximum participation, the public meeting was held in three formats including virtually over the internet, by phone, and at an in-person drive-thru location on November 29, 2022. Information presented was identical at all options. Twelve (12) attendees signed in at the in-person drive-thru and 41 attendees joined virtually over the internet. Five (5) written comments were received at the meeting and 18 people provided comments virtually. The comments pertained to both projects and ranged from technical issues with the virtual presentation, asking about access at specific locations, inquiring about possible construction detours, and right-of-way acquisitions. The meeting Summary

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Report is included in the project file.

6. PROJECT or SEGMENT(S) PLANNING CONSISTENCY

Planning Consistency is not required for this re-evaluation.

7. EVALUATION OF CHANGES IN IMPACTS

a. SOCIAL & ECONOMIC

Are there changes in impacts to the social, economic, land use, mobility, and/or aesthetic effects? No

There are no changes in impacts to social, economic, land use, mobility, and/or aesthetic effects.

Are there changes in right-of-way needs? Yes

Due to the design changes, changes in right-of-way requirement resulted, as summarized in Table 1.

PARCEL ID	IMPACT AREA (ACRES) - PD&E	IMPACT AREA (ACRES) - Design Change	CHANGE (ACRES)
19-25-22-0000-00300-0031	0.00	5.00	5.00
19-25-22-0000-00900-0000	2.73	1.54	-1.19
19-25-22-0030-00000-0090	0.00	0.03	0.03
13-25-21-0010-06900-0000	0.53	0.75	0.22
13-25-21-0010-08600-0020	1.08	1.90	0.82
13-25-21-0010-07100-0000	8.20	0.31	-7.89
13-25-21-0010-03700-0010	0.26	5.29	5.03
13-25-21-0010-00700-0010	1.20	1.36	0.16
11-25-21-0000-00400-0000	0.26	4.76	4.50
20-25-22-0000-01600-0000	10.45	0.00	-10.45
29-25-22-0000-00100-0010	50.43	12.91	-37.52

Table 1 - Right-of-Way Changes

Is there a change in anticipated relocation(s)? No

There is no change in relocations.

Are there changes in impacts to Prime or Unique Farmlands? N/A

b. CULTURAL

Are there changes in impacts to cultural resources pursuant to Section 106 of the National Historic Preservation

Act (historic sites/districts and archaeological sites)? Yes

A Cultural Resource Assessment Survey Addendum was prepared and is included in the project file. The purpose of this recent survey was to locate and identify any cultural resources within the Area of Potential Effect (APE) and to assess their significance in terms of eligibility for listing in the National Register of Historic Places (NRHP). The archaeological and historical/architectural APE is defined as the area contained within the footprint of proposed modifications and includes the full survey of parcels newly acquired by FDOT.

Archaeological background research indicated a low probability for the occurrence of pre-Contact and/or historic archaeological sites. As a result of the archaeological field survey, including the excavation of 21 shovel tests along with previous shovel tests within and adjacent to the current APE, no new archaeological sites were identified. Given the results of background research and field survey, no pre-Contact or historic archaeological sites that are listed, eligible for listing, or that appear potentially eligible for listing in the NRHP were located within the APE. As a result of the

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historical/architectural field survey, no historic resources were identified within the APE. During the field survey, one previously recorded resource (8PA03379) located within Parcel 115 was found to have been demolished. Therefore, the proposed project will result in no historic properties affected. Concurrence from the State Historic Preservation Officer (SHPO) was received on January 28, 2025, and is included in the project file.

[\[2 - Completed Form\]](#)

Are there changes in effects to Section 4(f) of the Department of Transportation Act protected resources or other protected public lands? No

Are there changes in impacts to lands purchased under Section 6(f) of the Land and Water Conservation Fund Act? N/A

Are there changes in impacts to recreational areas or protected lands? N/A

c. NATURAL

Are there changes in impacts to protected species and habitat, wetlands and other surface waters, and/or essential fish habitat? Yes

A Natural Resource Evaluation (NRE) Technical Memorandum (December 2024) was prepared for this re-evaluation and is included in the project file.

WETLANDS: During the permitting efforts, wetland and OSW impacts changed from the PD&E estimates due to minor modifications in final design such as toe of slope tie downs resulting from additional project information including topographic survey and geotechnical data and the establishment of jurisdictional wetland boundaries with permitting agency staff. As such, permitted wetland impact numbers and Uniform Mitigation Assessment Method (UMAM) Functional Unit (FU) loss increased from those documented in the Type 2 Categorical Exclusion. Table 2 documents the PD&E identified impacts and the permitted impacts.

Impact	PD&E Impact	Permitted Impacts	Change
Wetland	22.44	34.10	+11.66
OSW	13.10	6.55	-6.55
UMAM FU Loss	9.40	15.19	+5.79

Table 2 - Wetland and Other Surface Water Impact Summary

Wetland mitigation for permanent impacts was provided by the purchase of 1.52 herbaceous credits from the Boarshead Ranch Mitigation Bank, 1.00 herbaceous credits from the Fox Branch Ranch Mitigation Bank, 0.58 herbaceous credits from the Hilochee Mitigation Bank, 0.08 herbaceous credits from the Green Swamp Mitigation Bank, 7.58 forested credits from the Fox Branch Ranch Mitigation Bank, 3.17 forested credits from the Green Swamp Mitigation Bank, and 1.26 forested credits from the Hillsborough River Mitigation Bank.

PROTECTED SPECIES: No significant changes in impacts to suitable habitat for listed species were identified as a result of changes in regulations or the design changes documented in this reevaluation. A brief discussion is provided below to

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address the changes in applicable law or regulation.

The gopher tortoise (*Gopherus polyphemus*), listed by the FWC as Threatened. The 2021 NRE and 2022 NRE Technical Memorandum concluded that the probability of occurrence within the project study area was high due to presence of suitable habitat and species observation. With the requirement that all gopher tortoise issues be addressed in accordance with FWC Gopher Tortoise Permitting Guidelines, the gopher tortoise was assigned a **no adverse effect anticipated** determination for this project. Within the re-evaluation areas, suitable habitat is present and six (6) potentially occupied gopher tortoise burrows were observed along the fence line and roadway area within Parcel 115. With the continued requirement that the gopher tortoise issues be addressed in accordance with FWC Gopher Tortoise Permitting Guidelines, the effect determination remains valid for this re-evaluation. The withdrawal of the species as a candidate for listing in accordance with 50 CFR 17 does not change or impact this determination.

As part of the project construction, Gopher Tortoise Conservation Permit (GTC-23-00412) was issued by FWC on November 6, 2023. Gopher tortoise relocation activities began on February 15, 2024 and will continue throughout the construction phase of the project. Exclusionary fencing has been installed to keep any tortoises from wandering into the right-of-way. If any relocations are required on Parcel 115, the Gopher Tortoise Conservation Permit will be modified accordingly.

The short-tailed snake (*Lampropeltis extenuata*) is listed as threatened by the FWC and, although not identified by the USFWS Information for Planning and Consultation (iPaC) as having potential to occur within the project area, is proposed as threatened for listing under the ESA by the USFWS. The 2021 NRE and 2022 NRE Technical Memorandum concluded that native xeric habitats with sandy soils do not occur within the project study area and this species was not observed during project field reviews. Therefore, the probability of occurrence within the project study area is considered to be none and the short-tailed snake was assigned a **no effect anticipated** determination for this project. No suitable habitat is identified within the re-evaluation areas and no individuals were observed. Therefore, the effect determination remains valid for this re-evaluation. The proposed federal listing of the species does not change or impact this determination.

The monarch butterfly (*Danaus plexippus*) is listed by the USFWS as a proposed threatened species for listing under the ESA. This species was not addressed in the 2021 NRE, 2022 NRE Technical Memorandum, or approved Type 2 Categorical Exclusion. During the field reviews of the project, no milkweed, potential habitat or monarch butterflies were observed. The probability of occurrence in the project area is designated as low due to the species being known to occur in Pasco County, but suitable habitat is limited. If the monarch butterfly is listed by USFWS as Threatened or Endangered and the project may affect the species, FDOT commits to re-initiating consultation with USFWS to determine appropriate avoidance and minimization measures for protection of the newly listed species.

The tricolored bat (*Perimyotis subflavus*) is listed by the USFWS as a proposed endangered species for listing under the ESA. This species was not addressed in the 2021 NRE, 2022 NRE Technical Memorandum, or approved Type 2 Categorical Exclusion. No bats or evidence of bat activity (i.e. guano, staining, insect remains, smell or noise) was observed during field reviews. The probability of occurrence in the project area is designated as low due to the species being known to occur in Pasco County, but suitable habitat is limited. With clearing activities associated with construction, there is a potential temporary loss of roosting locations. If the tricolored bat is listed by USFWS as Threatened or Endangered and the project may affect the species, FDOT commits to re-initiating consultation with USFWS to determine appropriate avoidance and minimization measures for protection of the newly listed species.

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Are there changes in impacts to designated Aquatic Preserves, Coastal Barrier resources, Wild and Scenic Rivers, Nationwide Rivers Inventory Rivers, and/or Outstanding Florida Waters? No

Are there changes in impacts to Floodplains or Water Resources? Yes

The approved Type 2 Categorical Exclusion identified floodplain impact mitigation at offsite floodplain compensation sites (FPC). The area of proposed FPCs is 39.95 acres and 130.92 acre-feet.

The mitigation for floodplain impacts was modified during the permitting of the project. Floodplain compensation sites, FPC 300-1 South and FPC 300-1 North, were removed as part of the Environmental Look-Around that discovered available surplus floodplain compensation at the Boarshead Ranch Mitigation Bank. This surplus compensation was memorialized by Boarshead Ranch under permit number 43040444.001 with the Southwest Florida Water Management District. This permit has since been modified under 43040444.081, to authorize the transfer of 146.38 acre-feet of surplus compensation to FDOT to provide floodplain compensation for the widening of US 98, in lieu of the FPC sites.

d. PHYSICAL

Are there changes in Air Quality? No

What is the status of Highway Traffic Noise?

No additional noise evaluation was required.

What is the status of Contamination?

As part of the PD&E Study, a Level I Contamination Screening Evaluation Report (CSER) (September 2022) was prepared for the project. A Level I CSER Technical Memorandum (November 2024) was prepared for the new right-of-way resulting from the design changes and is included in the project file. The purpose of the CSER is to identify past and present activities that have the potential to impact areas in, or immediately adjacent to, project construction. This evaluation provides an analysis of potential contamination concerns for the areas of design change only. Contamination within or adjacent to the ROW has the potential for liability and may require assessment, remediation, or special handling.

Based on this contamination screening evaluation, one (1) previously identified site with a potential for contamination concerns was assigned a changed ranking for potential contamination concerns:

Site No. 2: Railroad Tracks (US 98 and Old Lakeland Highway) - This site was first identified in the original CSER. Railroads historically used arsenic-based herbicides for vegetation and weed control along its corridors. Additionally, the use of petroleum and creosote-based compounds were used to preserve railroad ties. This site was assigned a risk rating of "Low" due to no proposed right-of-way near this site. However, design changes show USDA Parcel, Pond 400, and Permanent Easement 805 within the vicinity of the railroad tracks. This site is now given a new risk rating of "High".

Level II field work was completed on January 24, 2025 to determine if contamination exists near the property due to railroad activities. The Level II assessment is currently being prepared.

One (1) medium ranked site was also identified in the 2022 CSER with a Level II assessment recommended:

Site 10: Circle K #2705931 (US 301 and Clinton Avenue) - This facility was observed as an active Circle K gas station. Two 12,000-gallon unleaded gasoline underground storage tanks (USTs) and one 10,000-gallon diesel fuel UST were

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removed in March 2012. One 30,000-gallon unleaded gasoline UST is currently in service. One discharge was reported on April 5, 2004 and was issued an SRCO on August 6, 2012. No current contamination concerns are reported. Due to its use as an active gas station in close proximity to the project, this site is assigned a risk rating of Medium.

The Level II assessment is currently being prepared.

Are there changes in impacts to Utilities and Railroads? No

Are there changes in impacts to Navigation? No

8. COMMITMENT STATUS

Are there prior commitments from the Environmental Document or previously approved re-evaluation(s)? Yes

Are there new environmental commitments? Yes

1. If the monarch butterfly is listed by USFWS as Threatened or Endangered and the project may affect the species, FDOT commits to re-initiating consultation with USFWS to determine appropriate avoidance and minimization measures for protection of the newly listed species.
2. If the tricolored bat is listed by USFWS as Threatened or Endangered and the project may affect the species, FDOT commits to re-initiating consultation with USFWS to determine appropriate avoidance and minimization measures for protection of the newly listed species.

[\[1 - Project Commitment Record Update\]](#)

9. STATUS OF PERMITS

Federal

None anticipated.

State

Segment	Name	Descriptor	Status	Date
443368-3-52-01	DEP or WMD Environmental Resource Permit (ERP)	#43046065.002	Obtained	12/22/2023
443368-3-52-01	DEP or WMD Environmental Resource Permit (ERP)	#43046065.000	Obtained	02/03/2023
443368-3-52-01		#53-0422949-001-SFI	Obtained	01/19/2024

Local

None anticipated.

Other

Segment	Name	Status	Date
443368-3-52-01	Gopher Tortoise Conservation Permit (GTC-23-00412)	Obtained	11/06/2023

10. CONCLUSION

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- ☒ The project has been re-evaluated pursuant to 23 CFR § 771.129. The FDOT has determined that no changes to the project affect the original decision. Therefore, the Administrative Action remains valid and the project can advance.

11. DISTRICT REVIEW AND APPROVAL

Robin Rhinesmith

March 3, 2025

District approving authority or designee

Date



Electronically signed within SWEPT
on March 3, 2025 3:20:34 PM EST
(electronic signature on file)

12. OEM APPROVAL

Not Applicable

13. Links to Supporting Documentation

- 1 - [44336822201-CE2-D7-Project_Commitment_Record_Update-2025-0110.pdf](#)
- 2 - [44336822201-CE2-D7-Completed106PaForm_US98_SR35_-2025-0128.pdf](#)