Natural Resources Evaluation Technical Memorandum

US 98/SR 35/SR 700 From CR 54 to US 301/SR 39 Project Development & Environment (PD&E) Study



Florida Department of Transportation

District 7

Work Program Item Segment No. 443368-2

ETDM Project No. 14374

Pasco County, Florida

August 2022

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated May 26, 2022, and executed by the Federal Highway Administration and FDOT. Natural Resources Evaluation Technical Memorandum

US 98/SR 35/SR 700 From CR 54 to US 301/SR 39 Project Development & Environment (PD&E) Study

Work Program Item Segment No. 443368-2 ETDM Project No. 14374 Pasco County, Florida

Prepared for:



Florida Department of Transportation District Seven

Prepared by: Rummel, Klepper & Kahl, LLP 14055 Riveredge Drive, Suite 130 Tampa, FL 33637

August 2022

Table of Contents

SECTION 1 1.1 Te	Introduction
SECTION 2	Post Public Hearing Modifications2-1
SECTION 3 3.1 Lar 3.2 Soi	Work Outside of Previously Documented Project Study Area3-1and Use3-1Is3-3
SECTION 4	Protected Species and Habitat4-1
SECTION 5 5.1 Up 5.2 Up 5.3 Up	Wetlands and Other Surface Waters5-1dated SMF 200-1 Surface Waters5-1dated Wetland Impact Analysis5-1dated Conceptual Mitigation Plan5-7
SECTION 6	Essential Fish Habitat Assessment6-1
SECTION 7	Anticipated Permits, Coordination, and Authorizations
SECTION 8 8.1 Pro 8.2 We 8.3 Ess 8.4 Co	Conclusion8-1btected Species and Habitat8-1etlands Finding8-1sential Fish Habitat8-2mmitments and Implementation Measures8-2
SECTION 9	References

List of Figures

Figure 3-1: SMF 200-1 Revised Location	3-5
Figure 3-2: Old US 98 Resurfacing Location	3-6
Figure 3-3: Land Uses within Portion of SMF 200-1 outside of NRE Study Area	3-7
Figure 3-4: Land Uses within Old US 98 ROW	3-8
Figure 3-5: NRCS Soils Series within Portion of SMF 200-1 outside of NRE Study Area	3-9
Figure 3-6: NRCS Soils Series within the Old US 98 ROW	3-10
Figure 4-1: Protected Species Occurrences	4-4
Figure 5-1: SMF 200-1 Wetlands and Other Surface Waters	5-3
Figure 5-2: SMF 200-1 Updated Wetland and Other Surface Water Impacts	5-4

List of Tables

Table 3-1: Updated Land Use and Cover for Study Area, Old US 98 ROW, and New SMF 200-1 Location	.3-3
Table 3-2: Project Soils Series	.3-4
Table 4-1: Potential for Occurrence and Proposed Effect Determinations for Federal and State	
Protected Species for the Project Study Area	.4-2
Table 5-1: Updated SMF 200-1 Location Wetland and Other Surface Water Impacts Summary	.5-2
Table 5-2: Project Wetland Impacts and UMAM Analysis Summary	.5-6
Table 5-3: Compensatory Wetland Mitigation Options for US 98 as of August 2022	.5-8

Appendices

Appendix A	Agency Responses to NRE
Appendix B	Revised Project Plans
Appendix C	UMAM Forms for Revised SMF 200-1 Location

SECTION 1 Introduction

1.1 Technical Memorandum Purpose

The objective of this Project Development and Environment (PD&E) study is to assist the FDOT's Office of Environmental Management (OEM) in reaching a decision on the type, location, and conceptual design of the proposed improvements for the widening of US Highway 98 (US 98), including stormwater management facility (SMF) and floodplain compensation (FPC) sites. This study documents the need for the improvements as well as the procedures utilized to develop and evaluate various improvements, including elements such as proposed typical sections, preliminary horizontal alignments, and intersection enhancement alternatives.

A Natural Resources Evaluation (NRE) was prepared and submitted to relevant state and federal agencies on October 27, 2021 for comment and/or concurrence as necessary. The purpose of the NRE was to document the natural resources analysis performed to support decisions related to the evaluation of the project build alternative and to summarize potential impacts to wetlands, federal and state protected species, and Essential Fish Habitat. Measures considered to avoid, minimize, and mitigate for potential impacts resulting from the proposed project were also discussed. The NRE was conducted in accordance with the FDOT's PD&E Manual and State and Federal natural resources regulations. Responses were received from the Southwest Florida Water Management District (SWFWMD), Florida Fish and Wildlife Conservation Commission (FWC), and U.S. Fish and Wildlife Service (USFWS). The responses from these agencies are provided in **Appendix A**.

Since agency responses have been received, revisions have been made to the preferred alternative. The purpose of this NRE Technical Memorandum is to document how these alternative revisions impact the results and conclusions presented in the NRE to resource agencies. Sections 2, 3, 4, 5, and 6 of this document discuss how these changes impact the PD&E study's findings related to protected species, wetlands and other surface waters, essential fish habitat, and anticipated permits, coordination, and authorizations respectively.

SECTION 2 Post Public Hearing Modifications

A Public Hearing was conducted for the US 98 / SR 35 / SR 700 PD&E Study on December 2, 2021 from 5:50 p.m. to 7:30 p.m. at the Pasco County Fairgrounds Clayton Auditorium (36722 State Road 52, Dade City, FL 33525). This public hearing was held to present information to and receive public input from interested persons regarding the proposed improvements to US 98. The public comment period ended on December 13, 2021 (comment receipt/postmark due date).

Based on comments received, the following modifications to the conceptual plans have been made:

1. Pond 200: Pond 200 is being relocated approximately 500' to the east to minimize impacts to wetlands and the agricultural operations of the property owner.

2. Old Lakeland Highway and US 98 Intersection: Minor adjustments to the right of way have been made to accommodate roadway design requirements.

3. Beckum Road Corner Clip: A slight decrease in the right of way impact has been made.

4. Jim Jordan Road Corner Clips: The corner clip to the NE quadrant has been eliminated to avoid utility impacts. As a result, a new right of way take is needed to the SE quadrant.

5. Townsend Road Roundabout: The US 98 and Townsend Road intersection has been modified to a roundabout with a slight shift to the SE. There is an increase in the right of way impact.

6. Old US 98 Roundabout: The US 98 and Old US 98 intersection has been modified to a roundabout. The right of way at the Old US 98 connection is slightly increased on both sides and along US 98 to the south to accommodate the roundabout and extension of the trail to the south.

7. Pond 800: Pond 800 is being relocated approximately 300' to the south and split to be on both the east and west sides of US 98 to allow a connection to the Old US 98 Roundabout from the east.

8. Roundabout at Sta. 1333: A roundabout has been added at Station 1333. No additional right of way is required.

9. Cindy Lane: The Cindy Lane connection to US 98 has been modified to connect to Clinton Avenue and access US 98 via the Clinton Avenue Roundabout.

10. Sta. 1361-1363: The right of way has been modified.

11. The remaining segment of Old US 98 between the new US 98 connection and US 301, approximately 1.0 miles in length, will be milled and resurfaced. All work in this area is limited to the existing 160-foot roadway right-of-way.

The revised project plan set is included in **Appendix B**.

SECTION 3 Work Outside of Previously Documented Project Study Area

Of the design concept changes identified in Section 2, only the relocation of stormwater pond SMF 200-1 and the remaining segment of Old US 98 between the new connection and US 301 occur outside of the project study area evaluated in the prior NRE. These additional areas are shown in **Figure 3-1** and **Figure 3-2** respectively. The project study area presented in the prior NRE consisted of a 300-ft buffer of the project alternatives and the ROW that would be required for the stormwater management facilities (SMFs) and floodplain compensation sites (FPCs) considered for the project. Approximately 0.57 acre of the property which would be required for the new location of SMF 200-1 occurs outside of the previously presented study area. The following sections discuss the land use and soils found in this portion of SMF 200-1.

3.1 LAND USE

Consistent with what was presented in the prior NRE, the existing land use and vegetative cover types within the newly assessed portion of SMF 200-1 were classified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) data (SWFWMD 2017, FDOT 1999). The approximate land use boundaries were referenced onto true color aerial imagery using ArcGIS 10.8 software. The new portion of SMF 200-1 consists of 0.46 acre of Cropland and Pastureland (FLUCFCS 210), 0.07 acre of Streams and Waterways (FLUCFCS 510), and 0.04 acre of Reservoirs (FLUCFCS 530). The resulting land use and cover types are shown in **Figure 3-3** and the current conditions of the updated location of SMF 200-1 are shown in **Photo 1**. SMF 200-1's involvement with surface waters (FLUCFCS 510 and 530) is discussed further in Section 5.



Photo 1: Current Conditions of Proposed SMF 200-1 Location

Regarding the remaining segment of Old US 98 between the new connection and US 301, only the land use within the existing 160-ft wide ROW was mapped. While adjacent habitats in this area were assessed during the project field review conducted on July 22, 2022, to be consistent with the information that was presented in the NRE, all land use within this ROW was identified as Transportation. A representative photo of the general habitat present is provided in **Photo 2**. The land use map for this area is provided in **Figure 3-4**, and updated project-wide land uses are presented in **Table 3-1**.



Photo 2: Representative Conditions of Old US 98 Portion to be Resurfaced.

Table 3-1: Updated Land Use and Cover for Study Area, Old US 98 ROW, and New SMF200-1 Location

Land Use or Cover Type	FLUCFCS Code ¹	Acres	Hectares	Percent of Study Area
Uplands/Developed Lands				
Residential Low Density	1100	121.72	49.26	11.68
Residential Medium Density	1200	7.50	3.04	0.72
Residential High Density	1300	8.78	3.55	0.84
Commercial and Services	1400	16.76	6.78	1.61
Industrial	1500	6.96	2.82	0.67
Open Land	1900	47.79	19.34	4.58
Cropland and Pastureland	2100	324.45	131.30	31.13
Nurseries and Vineyards	2400	4.04	1.63	0.39
Shrub and Brushland	3200	16.73	6.77	1.60
Upland Coniferous Forests	4100	4.22	1.71	0.40
Upland Hardwood – Coniferous Mixed	4340	47.93	19.40	4.60
Tree Plantation	4400	46.47	18.81	4.46
Transportation	8100	178.79	72.35	17.15
Communication	8200	1.46	0.59	0.14
Uplands Sub-Total		833.60	337.35	79.97
Wetlands and Other Surface Waters				
Other Surface Waters	-			
Streams and Waterways	5100	14.32	5.79	1.37
Reservoirs	5300	4.74	1.92	0.45
Wetlands	-			
Stream and Lake Swamps (Bottomland)	6150	158.25	64.04	15.18
Mixed Wetland Hardwoods	6170	4.05	1.64	0.39
Cypress	6210	9.79	3.96	0.94
Hydric Pine Flatwoods	6250	0.60	0.24	0.06
Wetland Forested Mixed	6300	7.63	3.09	0.73
Freshwater Marshes	6410	4.97	2.01	0.48
Wet Prairies	6430	4.44	1.79	0.43
Wetlands and Other Surface Waters Sub-Toto	al	208.79	84.52	20.03
	Total	1,042.39	421.83	100

1. (FDOT 1999, SWFWMD 2017)

3.2 SOILS

The US Department of Agriculture, Natural Resources Conservation Service (NRCS) Soil Survey Geographic (SSURGO) Database for Florida (2021) was reviewed to identify local soil types within the study area for the NRE. Approximately 0.55 acre of the new portion of SMF 200-1 occurs over Pomona Fine Sand (a non-hydric soils series) and 0.02 acre occurs over Zephyr Muck (a hydric soils series). **Figure 3-5** depicts the soils series within the new portion of SMF 200-1. The soils within the Old US 98 ROW from the new connection to US 301 occur over Arredondo, Candler, Kendrick, Lake, and Tavares soils series, each of which are non-hydric soils series. **Figure 3-6** depicts the soils series within this ROW. An updated NRCS soils table for the entirety of the project is provided in **Table 3-2**.

Soil Series Name	Hydric	Total	Total	Percent of
	Rating	Acres	Hectares	Study Area
Basinger Fine Sand, Depressional, 0 to 1	Hydric	1.44	0.58	0.14
Percent Slopes				
Chobee Soils, Frequently Flooded	Hydric	83.98	33.98	8.06
Eaton Mucky Fine Sand, Depressional	Hydric	3.71	1.5	0.36
Sellers Mucky Loamy Fine Sand	Hydric	5.53	2.24	0.53
Zephyr Muck	Hydric	58.20	23.55	5.58
Adamsville Fine Sand, 0 to 2 Percent Slopes	Non-Hydric	2.48	1.00	0.24
Arredondo Fine Sand, 0 to 5 Percent Slopes	Non-Hydric	104.28	42.20	10.00
Candler Fine Sand, 0 to 5 Percent Slopes	Non-Hydric	114.03	46.15	10.94
Eaugallie Fine Sand	Non-Hydric	17.52	7.09	1.68
Kendrick Fine Sand, 0 to 5 Percent Slopes	Non-Hydric	12.94	5.24	1.24
Lake Fine Sand, 0 to 5 Percent Slopes	Non-Hydric	352.57	142.68	33.82
Myakka Fine Sands, 0 to 2 Percent Slopes	Non-Hydric	11.81	4.78	1.13
Orlando Fine Sand, 0 to 5 Percent Slopes	Non-Hydric	15.82	6.40	1.52
Pomona Fine Sand	Non-Hydric	148.11	59.93	14.21
Smyrna and Myakka Fine Sands	Non-Hydric	4.37	1.77	0.42
Sparr Fine Sand, 0 to 5 Percent Slopes	Non-Hydric	23.01	9.31	2.21
Tavares Sand, 0 to 5 Percent Slopes	Non-Hydric	79.35	32.11	7.61
Wabasso Fine Sand	Non-Hydric	1.65	0.67	0.16
Pits	Unranked	1.18	0.48	0.11
Water	Unranked	0.41	0.17	0.04
Hydric Soils Sub-Total	152.86	61.85	14.67	
Non-Hydric Soils Sub-Total	887.94	351.90	85.18	
Unranked Soils Sub-Total		1.59	0.65	0.15
	Total	1,042.39	421.83	100

Table 3-2: Project Soils Series













SECTION 4 PROTECTED SPECIES AND HABITAT

The prior NRE presented a list of potentially occurring protected species. Each species was assigned a none, low, moderate, or high potential for occurrence within habitats found within the study area and assigned proposed effect determinations which the USFWS and FWC concurred with. Field reviews were performed on February 17 and July 22, 2022, to assess how the revised preferred alternative may affect the species effect determinations as presented in the prior NRE.

The prior NRE also determined that the previous alternative would not result in the destruction or adverse modification of any designated critical habitat as there is no designated critical habitat for any federal listed species occurs within or immediately adjacent to the project study area. None of the revisions to the preferred alternative alter this determination.

The updated field review found an additional 11 potentially occupied gopher tortoise burrows in the proposed footprint of SMF 900-1. Adding these newly located burrows to the burrows previously identified in the NRE, yields a total of 53 documented potentially occupied gopher tortoise burrows identified within the project study area. Despite these 11 additional burrows, because of the high population of gopher tortoise burrows previously identified, the gopher tortoise's potential for occurrence remains **high** and the effect determination remains **no adverse effect anticipated** (i.e., since the project will adhere to pre-construction survey, permitting and relocation in accordance with FWC requirements).

Two unidentified nests had been identified in cell towers and the bald eagle was assigned an effect determination of *no adverse effect anticipated*. As the updated field review was performed during the eagle nesting season (generally October-May), the previously identified nests were inspected using binoculars for nesting activity. It was discovered that each nest was an active osprey nest. As the nests were confirmed to not be eagle nests, the eagle's potential for occurrence has been revised to **moderate** and its effect determination revised to *no effect anticipated*. While the osprey was previously a state-listed species in Florida and recently only state-listed in Monroe County, the entire state population was removed from the Florida Threatened and Endangered Species List in 2018. Currently, it is principally provided protections under the federal Migratory Bird Treaty Act. The preferred alternative will not impact either known osprey nest within the project study area. Therefore, a Migratory Bird Treaty Act permit is not anticipated to be required at this time.

It was determined that no other species' potential for occurrence or effect determination would be affected by the updated preferred alternative. Definitions for potential occurrence are provided below. **Table 4-1** lists the federal and state protected wildlife and plant species as well as each species' potential for occurrence within the study area. The prescribed effect determinations area also provided for each species within this table. **Figure 4-1** is a map of documented species occurrences which has been updated to depict the 11 additional gopher tortoise burrows.

None – Species whose agency consultation area or range may include the project study area but have no potential for occurrence in the study area due to lack of suitable habitat.

Low – Species with a low potential for occurrence within the project ROW are defined as those species that are known to occur in Pasco County or the bio-region, but suitable habitat is limited within the study area, or the species is range-limited, rare, or no longer extant.

Moderate – Species with a moderate potential for occurrence are those species known to occur in Pasco County or nearby counties, and for which suitable habitat is present within the study area, but no observations or positive indications exist to verify the species' presence.

High – Species with a high potential for occurrence are suspected within the study area based on known ranges and existence of sufficient suitable habitat; are known to occur adjacent to the study area; or have been previously observed or documented in the immediate project vicinity.

Species	Listing Status*	Potential for	Proposed Effect
		Occurrence	Determinations
Plants			
Coloctical Liby (Nomactulic floridance)	EDACE Endangered	Madarata	No effect
Celestial Lify (<i>Nemastylis Jionaana</i>)	FDACS - Endangered	woderate	anticipated
Craighaad's Nadding Cans (Trinharg rickattii)	EDACS Endangered	Modorato	No effect
Craighead's Nodding Caps (Triphord Tickettii)	FDACS - Enuangereu	woderate	anticipated
Elorida Willow (Salix floridana)	EDACS Endangered	Modorato	No effect
	FDACS - Enuangereu	woderate	anticipated
			No adverse
Plume Polypody (<i>Pecluma plumula</i>)	FDACS - Endangered	High	effect
			anticipated
Pondsnice (Litsea aestivalis)	EDACS - Endangered	Moderate	No effect
	i bried Endangered	mouerute	anticipated
Pygmy Pipes (Monotronsis reynoldsige)	EDACS - Endangered	Moderate	No effect
	i bried Endangered	mouerute	anticipated
Sand Butterfly Pea (Centrosema grenicola)	FDACS - Endangered	None	No effect
			anticipated
		High	No adverse
Stiff-leaved Wild Pine (<i>Tillandsia fasciculata</i>)	FDACS - Endangered	(observed)	effect
		()	anticipated
Reptiles	· · ·		
Bluetail Mole Skink (Eumeces egregius lividus)	USFWS – Threatened	None	No effect
Fastern Indigo Snake (Drymarchon corgis			May affect, not
couperi)	USFWS – Threatened	Moderate	likely to
			adversely affect
Florida Pine Snake (Pituophis melanoleucus			No adverse
muaitis)	FWC – Threatened	Moderate	effect
			anticipated
	USFWS – Candidate	High	No adverse
Gopher Tortoise (Gopherus polyphemus)	Species	(observed)	effect
	FWC – Threatened	. ,	anticipated
Short-tailed Snake (Lampropeltis extenuata)	FWC - Threatened	None	No effect
, p-p-11-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-		_	anticipated
Birds			

Table 4-1: Potential for Occurrence and Proposed Effect Determinations for Federal andState Protected Species for the Project Study Area

Audubon's Crested Caracara (Polyborus plancus audubonii = Caracara cheriway)	USFWS – Threatened	None	No effect
Eastern Black Rail (<i>Lateralus jamaicensis jamaicensis</i>	USFWS – Threatened	Moderate	May affect, not likely to adversely affect
Florida Scrub-Jay (Aphelocoma coerulescens)	USFWS – Threatened	None	No effect
Piping Plover (Charadrius melodus)	USFWS – Threatened	None	No effect
Red Cockaded Woodpecker (Picoides borealis)	USFWS – Endangered	None	No effect
Wood Stork (<i>Mycteria americana</i>)	USFWS – Threatened	High (observed)	May affect, not likely to adversely affect
Black Skimmer (Rhynchops nigers)	FWC – Threatened	None	No effect anticipated
Florida Burrowing Owl (Athene cunicularia floridana)	FWC – Threatened	Moderate	No adverse effect anticipated
Florida Sandhill Crane (Antigone canadensis pratensis)	FWC – Threatened	High (observed)	No adverse effect anticipated
Least Tern (<i>Sternula antillarum</i>)	FWC – Threatened	None	No effect anticipated
Little Blue Heron (<i>Egretta caerulea</i>)	FWC – Threatened	High (observed)	No adverse effect anticipated
Reddish Egret (<i>Egretta rufescens</i>)	FWC – Threatened	High	No adverse effect anticipated
Roseate Spoonbill (<i>Platalea ajaja</i>)	FWC – Threatened	High	No adverse effect anticipated
Southeastern American Kestrel (<i>Falco sparverius paulus</i>)	FWC – Threatened	High (observed)	No adverse effect anticipated
Tricolored Heron (<i>Egretta tricolor</i>)	FWC – Threatened	High	No adverse effect anticipated
Bald Eagle (Haliaeetus leucocephalus) ¹	Not Listed	Moderate	No effect anticipated
Osprey (Pandion haliaetus)	Not Listed	High (observed)	N/A
Mammals			
Florida Black Bear (<i>Ursus americana</i> <i>floridana</i>) ³	Not Listed	Moderate	No adverse effect anticipated

*FWC listing status was not included for species with the same federal listing status as due to the State's deferment to federal status under Chapter 68A-27, F.A.C.

(1) Protected under the federal Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act

(2) Protected under the Florida Black Bear Conservation Rule, 68A-4.009, Florida Administrative Code (F.A.C.)



Feet

1 inch = 3,000 feet

_		Pa
	Sources: ESPI 2022	ENIAL 202

FPID: 443368-2 asco County, Florida

Sources: ESRI 2022, FNAI 2021, FWC 2010, 2021a, 2021b, RK&K 2021 & 2022



SECTION 5 WETLANDS AND OTHER SURFACE WATERS

The locations, limits, types, nature, and functions of all surface waters, including wetlands within the project limits were assessed for the NRE as part of compliance with Presidential Executive Order (EO) 11990, "Protection of Wetlands" and USDOT Order 5660.1A, *Preservation of the Nation's Wetlands*. Per the updated alternative, only the new SMF 200-1 location resulted in changes to the project's involvement with surface waters.

It should be noted that no wetlands or other surface waters occur within the Old US 98 ROW from the new connection to US 301, so this revision is not discussed further in this section.

5.1 UPDATED SMF 200-1 SURFACE WATERS

One new surface water (P-5) not previously identified in the NRE occurs within the new location of SMF 200-1. P-6 is an excavated feature occurring within pasture. It is classified as a Reservoir (FLUCFCS 530) and L2UB4x (Cowardin et al 1979). Now a total of forty-nine (49) systems occur within the study area. Additionally, the previously identified WL-18, WL-19, WL-20, D-6, and P-1 occur within the updated location of SMF 200-1. These systems all occur within the Withlacoochee HUC8 watershed and the Hillsborough River Basin. **Figure 5-1** represents the location of SMF 200-1 relative to the identified wetlands and other surface waters.

5.2 UPDATED WETLAND IMPACT ANALYSIS

Per the design changes discussed in Section 2, the only change that results in wetland or surface water impacts is the relocation of stormwater pond SMF 200-1. The impacts from the US 98 mainline roadway remain the same as those presented in the prior NRE (9.29 acres of direct wetlands impacts and 10.94 acres of secondary wetland impacts, 20.23 total acres of wetland impacts). SMF 200-1's location as previously presented would have resulted in approximately 6.85 acres of direct impacts to wetlands and 1.35 acres of secondary impacts to wetlands (total 8.20 acres of impacts). However, the revised SMF 200-1 location significantly reduces impacts and now results in approximately 2.19 acres of direct impacts to wetlands and 0.02 acre of secondary impacts to wetlands (total of 2.21 acres of impacts). The updated SMF 200-1 location is also anticipated to impact 0.77 acre of man-made other surface waters. The impact acreages to these systems by the updated SMF 200-1 are presented in **Table 5-1**.

Applying these values to the impacts presented in the NRE, the project will impact a total of approximately 22.44 acres of wetlands (11.48 acres of direct impacts and 10.96 acres of secondary impacts) and 13.10 other surface waters. A map depicting the updated wetlands and other surface waters impacts from SMF 200-1 is shown in **Figure 5-2**.

Table 5-1: Updated SMF 200-1 Location Wetland and Other Surface Water Impacts
Summary

System	FLUCFCS Classification	FLUCFCS Description	Acreage within Updated SMF 200-1 Location
D-6	510	Streams and Waterways	0.11
P-1	530	Reservoirs	0.62
P-5	530	Reservoirs	0.04
WL-18	641	Freshwater Marshes	1.71
WL-19	641	Freshwater Marshes	0.48
WL-20	643	Wet Prairies	0.002





Impacts to project wetlands were assessed using the Uniform Mitigation Assessment Method (UMAM) as part of the NRE. The UMAM (Chapter 62-345 F.A.C.) was developed by the State of Florida to assess the ecological functions provided by wetlands and the amount of mitigation necessary to offset the loss of functions by a proposed project. The UMAM analysis is based on assessing an area on three criteria: location and landscape support, water environment, and community structure. These criteria are scored with the whole increment values between "10" (indicating the highest quality system) and "0" (indicating no present value). The three criteria are summed and divided by 30 to yield a score for the assessment area between "0" and "1". The difference between the "with project" and "current" condition is calculated to result in the "Delta". The UMAM delta is multiplied by the area of wetland impact to quantify the loss of wetland functions (functional loss).

An updated UMAM assessment was performed for the revised wetland impacts associated with relocated SMF 200-1. UMAM data sheets used for this analysis are provided in **Appendix C**. A summary table of the functional loss by habitat from the revised SMF 200-1 location is included in **Table 5-2** (aside from SMF 200-1, there are no other changes to the impacts shown in Table 4-2 in the prior NRE). The impact acreage of other surface waters (FLUCFCS 510 and FLUCFCS 530) is provided in the assessment; however, wetland mitigation is not required for these systems.

The direct wetland impacts associated with relocated SMF 200-1 (2.192 acres) are now estimated to result in 1.531 units of functional loss and the secondary wetland impacts (0.02 acre) are estimated to result in 0.002 units of functional loss. The combined direct and secondary impacts which would result from SMF 200-1 total 1.21 acres of impacts resulting in 1.54 units of functional loss. These impacts are entirely to herbaceous systems within the Hillsborough River Basin. Adding these values to those presented in the prior NRE results in the following totals for the project:

- 11.48 acres of direct wetland impacts with a UMAM functional loss of 8.30
- 10.96 acres of secondary wetland impacts with a UMAM functional loss of 1.10
- 22.44 acres of total wetland impacts with a UMAM functional loss of 9.40
- 5.00 acres of impacts to forested wetland systems within the Withlacoochee River Basin with a UMAM functional loss of 1.60
- 14.49 acres of impacts to forested wetland systems within the Hillsborough River Basin with a UMAM functional loss of 6.03
- 2.95 acres of impacts to herbaceous wetland systems within the Hillsborough River Basin with a UMAM functional loss of 1.77

Project Feature	Impacted Systems	FLUCFCS Classification	Herbaceous/ Forested Systems	Direct Impact Area Per Basin (Acres)	Direct Impact Area Total (Acres)	Secondary Impact Area Per Basin (Acres)	Secondary Impact Area Total (Acres)	Total Impact Areas Per Basin (Acres)	Total Impact Area (Acres)	Delta (Prim/ Second)	Direct Functional Loss Per Basin	Total Direct Functional Loss	Secondary Functional Loss Per Basin	Total Secondary Functional Loss	Total Functional Loss Per Basin	Total Functional Loss
	D6	5100: Streams and Waterways	N/A	Hillsborough River 0.11 (0.11 in uplands soil)	0.11 (0.11 in uplands soil)	N/A	N/A	Hillsborough River 0.11 (0.11 in uplands soil)	0.11 (0.11 in uplands soil)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	P-1 and P-5	5300: Reservoirs	N/A	Hillsborough River 0.66 (0.11 in hydric soil and 0.55 in uplands soil)	0.66 (0.11 in hydric soil and 0.55 in uplands soil)	N/A	N/A	Hillsborough River 0.66 (0.11 in hydric soil and 0.55 in uplands soil)	0.66 (0.11 in hydric soil and 0.55 in uplands soil)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SMF 200-1	Other Surfa	ace Waters Total	N/A	Hillsborough River: 0.77	0.77	N/A	N/A	Hillsborough River: 0.77	0.77	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	WL-18 and WL-19	6410: Freshwater Marshes	Herbaceous	Hillsborough River: 2.19 (herbaceous)	2.19	Hillsborough River: 0.01 (herbaceous)	0.01	Hillsborough River: 2.20 (herbaceous)	2.20	-0.70 / -0.10	Hillsborough River: 1.53 (herbaceous)	1.53	Hillsborough River: 0.001 (herbaceous)	0.001	Hillsborough River: 1.531 (herbaceous)	1.531
	WL-20	6430: Wet Prairies	Herbaceous	Hillsborough River: 0.002 (herbaceous)	0.002	Hillsborough River: 0.01 (herbaceous)	0.01	Hillsborough River: 0.012 (herbaceous)	0.012	-0.70 / -0.10	Hillsborough River: 0.001 (herbaceous)	0.001	Hillsborough River: 0.001 (herbaceous)	0.001	Hillsborough River: 0.002 (herbaceous)	0.002
		Wetlands Total	Herbaceous	Hillsborough River: 2.192 (herbaceous)	2.192	Hillsborough River: 0.02 (herbaceous)	0.02	Hillsborough River: 2.212 (herbaceous)	2.212	N/A	Hillsborough River: 1.531 (herbaceous)	1.531	Hillsborough River: 0.002 (herbaceous)	0.002	Hillsborough River: 1.533 (herbaceous)	1.54

Table 5-2: Project Wetland Impacts and UMAM Analysis Summary

5.3 UPDATED CONCEPTUAL MITIGATION PLAN

Wetland impacts which will result from the construction of this project will be mitigated pursuant to Section 373.4137, F.S., to satisfy all mitigation requirements of Part IV of Chapter 373, F.S. and 33 USC. §1344. In 2008, the USACE and the US Environmental Protection Agency (USEPA) issued regulations governing compensatory mitigation for activities authorized by the Department of the Army (Federal Register 2008). These regulations, as promulgated in 33 CFR Part 332, establish a hierarchy for determining the type and location of compensatory mitigation. Briefly summarized, the rule establishes a preference for the use of mitigation bank credits if a mitigation bank has the appropriate number of and resource type of credits available. If the permitted impacts are not in the service area of an approved mitigation bank or in-lieu fee program cannot be used to provide the required compensatory mitigation, the rule establishes a preference for permittee responsible mitigation under a watershed approach.

Total impacts from the project mainline and SMF 200-1 total approximately 22.44 acres of wetland impacts with a total estimated functional loss of 9.40 units. Of these impacts, 5.00 acres are within the Withlacoochee Basin with a total estimated functional loss of 1.6. The impacts within the Withlacoochee Basin will be exclusively to forested systems. The remaining 17.44 acres of impacts are within the Hillsborough River Basin. Of these 17.44 acres, 14.49 acres of impacts will be to forested systems with a functional loss of 6.03. Approximately 2.95 acres of impact would result to herbaceous systems within the Hillsborough River Basin with a functional loss of 1.77.

The project anticipates using commercially available mitigation credits from agency-approved banks with an appropriate geographic service area to provide compensatory mitigation sufficient to offset unavoidable project impacts to wetlands and wetland-dependent species habitat. The mitigation banks within the Hillsborough River Basin include the Hillsborough River Mitigation Bank (MB), the Hillsborough River Phase II MB, Wiggins Prairie MB, and the North Tampa MB. The mitigation banks within the Withlacoochee River Basin include the Green Swamp MB, the Withlacoochee MB, the Crooked River MB, and the Hilochee MB. The entire roadway project is located within the Boarshead Ranch MB. **Table 4-3** below details the type and amount of credits available at these banks. These values are based on review of the USACE Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) conducted on August 8, 2022. Although credit availability among these banks will likely change in the time between this PD&E study's conclusion and the project's future environmental permitting efforts, sufficient mitigation credits are available to offset the impacts from the proposed improvements. With compensatory mitigation completed within the same watershed where the impacts are incurred, the project will not result in cumulative impacts.

Bank Name	Credit Classification	Assessment Method	Basin	Available Credits
Boarshead	Palustrine Emergent and	UMAM	Hillsborough River	20.03
Ranch MB	Palustrine Forested		and Withlacoochee	emergent
				8.58 forested
Hillsborough	Palustrine Emergent and	UMAM	Hillsborough River	4.308
River Phase I	Palustrine Forested			emergent
and Phase II				11.32 forested
MB				
Wiggins Prairie	Palustrine Emergent and	UMAM	Hillsborough River	8.61 emergent
MB	Palustrine Forested			6.45 forested
North Tampa	Palustrine Forested	UMAM	Hillsborough River	1.82 forested
MB				
Green Swamp	Palustrine Forested	UMAM	Withlacoochee	19.49 forested
MB				
Withlacoochee	Palustrine Emergent and	UMAM	Withlacoochee	0.29 emergent
MB	Palustrine Forested			19.59 forested
Crooked River	Palustrine Emergent and	UMAM	Withlacoochee	4.65 emergent
MB	Palustrine Forested			3.46 forested
Hilochee MB	Palustrine Emergent and	UMAM	Withlacoochee	31.30
	Palustrine Forested			emergent
				6.26 forested

Table 5-3: Compensator	y Wetland Mitigation Options for	US 98 as of August 2022
------------------------	----------------------------------	-------------------------

The exact number of mitigation credits required to fully offset the lost value of functions resulting from the project's wetland impacts will be determined during the design phase and in coordination with the state and federal environmental permitting agencies.

SECTION 6 ESSENTIAL FISH HABITAT ASSESSMENT

Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) are designated by the National Oceanic and Atmospheric Administration (NOAA), NMFS and the regional fishery management councils for species managed under the Magnuson-Stevens Fishery Conservation and Management Act as amended (MSA). The MSA established eight Fishery Management Councils (FMC) across the country that are tasked with creating and amending Fishery Management Plans (FMP). The NRE presented that due to the inland geographic location of the project, there are no tidally-influenced surface waters within the project study area. Therefore, there is no EFH or HAPC within the project study area and consultation for EFH is not necessary. This conclusion remains sound even after the subject alternative revisions presented in this technical memorandum.

SECTION 7 ANTICIPATED PERMITS, COORDINATION, AND AUTHORIZATIONS

Environmental permits, coordination, and authorizations from the following agencies will likely be required for construction of this project:

Anticipated Permits

- SWFWMD Individual Environmental Resource Permit (ERP)
- FDEP Section 404 Standard Individual Permit, National Pollutant Discharge Elimination System (NPDES) Permit (to be obtained by contractor)
- FWC Gopher Tortoise Conservation Permit

Anticipated Coordination

- USFWS ESA Section 7 consultation for federally-listed plant and animal species, coordination for migratory bird species.
- FWC Coordination for state-listed animal species and the black bear.
- FDACS Coordination for state-listed plant species.

SECTION 8 CONCLUSION

8.1 PROTECTED SPECIES AND HABITAT

The study area was evaluated for the presence of federal and/or state protected species and their suitable habitat in accordance with Section 7 of the ESA and Part 2, Chapter 16 of the PD&E Manual. Based on this evaluation the proposed project "*may affect, but is not likely to adversely affect*" the Eastern indigo snake, Eastern black rail and wood stork. The project is anticipated to have "*no effect*" on the bluetail mole skink, Audubon's crested caracara, Florida scrub jay, piping plover and red cockaded woodpecker. For state-listed species there is "*no adverse effect anticipated*" for the plume polypody, stiff-leaved wild pine, Florida pine snake, gopher tortoise, Florida burrowing owl, Florida sandhill crane, little blue heron, reddish egret, roseate spoonbill, southeastern American kestrel, tricolored heron, and the Florida black bear. There is "*no effect anticipated*" for the celestial lily, craighead's nodding caps, Florida willow, pondspice, pygmy pipes, sand butterfly pea, short-tailed snake, least tern, black skimmer and bald eagle.

Multiple protection measures are to be employed to negate and minimize any potential effects to these species. Some of the measures employed are anticipated to include more detailed field surveys and agency coordination during the project's design phase, the use of Best Management Practices (BMPs), and species-specific standard protection measures/FDOT Special Provisions (e.g., eastern indigo snake, gopher tortoise, and black bear) during construction. The FDOT is proposing a wildlife feature be incorporated into the Hillsborough River bridge replacement. The wildlife feature is expected to include 10-foot shelves on each side of the river for wildlife use. Due to right of way, drainage and environmental lands constraints, the profile of the roadway and bridge is not expected to be raised above the existing condition. Therefore, the vertical clearance for the crossing is anticipated to be a minimum of 3 feet, similar to what exists today. During the design and permitting phases, the FDOT will reassess the project action area for potential involvement with federal and state-protected species and coordinate further with the USFWS, FWC and FDACS as necessary.

8.2 WETLANDS FINDING

In accordance with Executive Order 11990 and US DOT 5660.1A, and based on the documentation of existing wetland conditions as presented in the NRE, and in consideration of the Preferred Alternative and its effects on wetlands, it is hereby determined that:

 Measures have been taken to minimize harm to wetlands. Wetland impacts are primarily being avoided and minimized by keeping the proposed roadway improvements within the existing 160' right of way through the sensitive Green Swamp Area. In order to do this, design variations for border width, median width, and/or side slopes are being sought. No right of way acquisition for roadway or pond sites is being proposed from the TIITF lands or the Boarshead Ranch Mitigation Bank.

- Through the implementation of compensatory mitigation, the proposed project will have no significant short-term or long-term adverse impacts to wetlands.
- There is no practicable alternative to construction in wetlands.

Wetland impacts which will result from the construction of this project will be mitigated pursuant to Section 373.4137, F.S., to satisfy all mitigation requirements of Part IV of Chapter 373, F.S. and 33 USC. §1344.

8.3 ESSENTIAL FISH HABITAT

As discussed in Section 6, wetlands and other surface waters present are entirely freshwater systems. No EFH is present within or in immediate proximity to the project limits.

8.4 COMMITMENTS AND IMPLEMENTATION MEASURES

Commitments

- The FDOT will implement the most current version of the USFWS' *Standard Protection Measures for the Eastern Indigo Snake* (USFWS 2013a).
- The FDOT will complete a wood stork suitable foraging habitat assessment during the project's Design phase to ensure that the proper amount of mitigation is procured for impacts to suitable wood stork foraging habitat in accordance with *The Corps of Engineers, Jacksonville District, U. S. Fish and Wildlife Service, Jacksonville Ecological Services Field Office and State of Florida Effect Determination Key for the Wood Stork in Central and North Peninsular Florida.*
- The FDOT will re-survey the project footprint for the presence of burrowing owls, Florida sandhill cranes and Southeastern American kestrels during the nesting season and prior to construction commencement. If nesting activity is noted, coordination with the FWC will be completed as necessary.
- The FDOT will resurvey two known osprey nests in cell towers within the study area during the osprey nesting season and prior to construction to determine if these nests are still used by ospreys or other bird species.
- The FDOT will conduct surveys for the stiff-leaved wild pine, plume polypody and other statelisted plant species during the project's design/environmental permitting phase and prior to construction. If listed plants are observed, the FDOT will continue coordination with the FDACS and Florida Native Plant Society or similar organization to facilitate the relocation of protected plants within the project footprint.
- To facilitate wildlife movement between the state-owned lands on both sides of the road, a wildlife feature will be provided. This feature will consist of 10-foot-wide shelves constructed at the seasonal high-water elevation on both sides of the Hillsborough River beneath the US 98 bridge.

Implementation Measures

- The FDOT will comply with the FWC's most current Gopher Tortoise Permitting Guidelines prior to project construction. This will include a gopher tortoise survey and gopher tortoise relocation as necessary.
- The FDOT will implement its Special Provision for the gopher tortoise (SP0070104-3) and Florida black bear (SP0070104-1) (FDOT 2021) during project construction.
- To protect water quality, the FDOT will implement erosion and sediment control BMPs, including a Stormwater Pollution Prevention Plan, during project construction.

The revisions to the preferred alternative result in a reduction of wetland impacts without changing the anticipated permit requirements and the previously agency-concurred species effect determinations remain the same or are reduced. Therefore, no additional agency coordination is required as part of the PD&E study.

SECTION 9 REFERENCES

- Cowardin, L. M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of Deepwater Habitats of the United States. US Department of the Interior, Fish and Wildlife Service, Office of Biological Services. Technical Publication FWS/OBS-79/31.
- ESRI. 2022. Environmental Systems Research Institute. World Imagery. February 24, 2022. ESRI, ArcGIS Online.
- FDOT. 1999. Florida Land Use, Cover and Forms Classification System. Florida Department of Transportation. Tallahassee, Florida.
- FDOT. 2021. July 2021 Workbook, Special Provisions. https://www.fdot.gov/programmanagement/implemented/workbooks/julworkbook2021/ju ly-2021-workbook#ss. Florida Department of Transportation. Tallahassee, Florida.
- Federal Register. 2008. Compensatory Mitigation for Losses of Aquatic Resources; Final Rule. April 10, 2008. Office of the Federal Register. Washington, D.C.
- FNAI. 2021. Standard Data Report. August 10, 2021. Florida Natural Areas Inventory. Tallahassee, Florida.
- FWC. 2010. Florida Scrub Jay Occurrences in Florida 1992-1993. November 1, 2010. Florida Fish and Wildlife Conservation Commission-Fish and Wildlife Research Institute. Tallahassee, Florida.
- FWC. 2021a. Florida Black Bear Mortality Locations. April 20, 2021. Florida Fish and Wildlife Conservation Commission-Fish and Wildlife Research Institute. Tallahassee, Florida.
- FWC. 2021b. Black Bear Related Calls in Florida. April 19, 2021. Florida Fish and Wildlife Conservation Commission-Fish and Wildlife Research Institute. Tallahassee, Florida.
- NRCS. 2018. Soil Survey Geographic (SSURGO) Database for Florida. September 2018. US Department of Agriculture, Natural Resources Conservation Service. Gainesville, Florida.
- NRCS. 2022. Web Soil Survey Geographic (SSURGO) Database for Florida. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. US Department of Agriculture, Natural Resources Conservation Service. Gainesville, Florida. Accessed March 2022.
- SWFWMD. 2017. Land Use Land Cover 2017. Published September 1, 2020. Southwest Florida Water Management District. Brooksville, Florida.
- USACE. 2021. Regulatory In-Lieu Fee and Bank Information Tracking System. https://ribits.usace.army.mil/ribits_apex/f?p=107:2. US Army Corps of Engineers. Accessed March 2022.

USFWS. 2013a. Standard Protection Measures for the Eastern Indigo Snake. US Fish and Wildlife Service. Jacksonville, Florida.

APPENDICES

Appendix A	Agency Responses to NRE	

- Appendix B Revised Project Plans
- Appendix C UMAM Forms for Revised SMF 200-1 Location
APPENDIX A

Agency Responses to NRE



RON DESANTIS GOVERNOR 11201 North McKinley Drive Tampa, FL 33612 KEVIN J. THIBAULT, P.E. SECRETARY

October 27, 2021

Ms. Zakia Williams U.S. Fish and Wildlife Service 7915 Baymeadows Way Jacksonville, FL 32256 <u>zakia_williams@fws.gov</u>

RE: Endangered Species Act Section 7 Coordination US 98/SR 35/SR 700 from CR 54 to US 301/SR 39 Project Development & Environment Study Pasco County, Florida Work Program Item Segment No. 443368-2

Dear Ms. Williams:

Please find enclosed the Natural Resource Evaluation (NRE) prepared for the above-referenced project. The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study to evaluate proposed improvements to US 98/SR 35/SR 700 from CR 54 to US 301/SR 39 in Pasco County. The Preferred Alternative study area incorporates the following:

- Widening of US 98/SR 35/SR 700 from two lanes to four lanes from the County Road (CR) 54 to US 301/SR 39;
- Realignment of US 98 between CR 35A to US 301, allowing US 98 to align with the Clinton Avenue (New SR 52) intersection at US 301; and
- Stormwater management facilities and floodplain compensation sites.

The study is approximately 8.6 miles in length and is in unincorporated Pasco County and Dade City (at the north end only) (Figure 1). The purpose of the PD&E Study is to provide documented information necessary for FDOT to reach a decision on the type, design, and location of improvements; as well as to assess the project's potential impacts to natural resources within the project study area. The proposed US 98 improvements are necessary to meet projected traffic demands, improve system linkage and improve safety for the travelling public.

The NRE assesses potential effects of the Preferred Alternative on wetlands and other surface waters, and federal and state protected species and their respective habitats. This NRE is being submitted to the federal and state resource agencies with jurisdiction over wetlands and protected species. The evaluation includes field inspections by qualified biologists, literature and database reviews, and coordination with natural resource agencies. Details on the study methodologies, results, conceptual mitigation alternatives and protection measures for avoidance and minimization of impacts to the resources are provided in the NRE.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding (MOU) dated December 14, 2016, and executed by the Federal Highway Administration and FDOT.

Improve Safety, Enhance Mobility, Inspire Innovation www.fdot.gov US 98/SR 35/SR 700 from CR 54 to US 301/SR 39 WPIS No.: 443368-2 October 27, 2021 Page 2 of 4



Figure 1: Project Location Map

US 98/SR 35/SR 700 from CR 54 to US 301/SR 39 WPIS No.: 443368-2 October 27, 2021 Page 3 of 4

Based on the evaluation completed, approximately 208.68 acres of wetlands and other surface waters occur within the study area. Of these 208.68 acres, approximately 20.23 acres of unavoidable wetland impacts will result from the construction of the Preferred Alternative. Additional direct and secondary impacts will occur from the construction of proposed Stormwater Management Feature (SMF) 200-1. SMF 200-1 is anticipated to impact approximately 8.20 acres of surface waters. Approximately 11.25 acres of impacts to man-made other surface waters will occur from the construction of the roadway improvements, with an additional 1.95 acres of man-made other surface water impacts resulting from stormwater pond and floodplain compensation facility construction.

The study area was evaluated for the presence of federal and/or state protected species and their suitable habitat in accordance with Section 7 of the ESA and Part 2, Chapter 16 of the PD&E Manual. Based on this evaluation the Preferred Alternative "may affect, not likely to adversely affect" the eastern indigo snake, eastern black rail, and wood stork. The project is anticipated to have "no effect" on the bluetail mole skink, Audubon's crested caracara, Florida scrub jay, piping plover and red cockaded woodpecker. The Preferred Alternative will not adversely modify any federally designated critical habitat as none exists in the project vicinity. For state-protected species there is "no adverse effect anticipated" for the plume polypody, stiff-leaved wild pine, Florida pine snake, gopher tortoise, Florida burrowing owl, Florida sandhill crane, little blue heron, reddish egret, roseate spoonbill, southeastern American kestrel, tricolored heron, bald eagle, and the Florida black bear. There is "no effect anticipated" for the celestial lily, craighead's nodding caps, Florida willow, pondspice, pygmy pipes, sand butterfly pea, short-tailed snake, least tern and black skimmer. The FDOT is proposing a wildlife feature be incorporated into the Hillsborough River bridge replacement. The wildlife feature is expected to include 10-foot shelves on each side of the river for wildlife use. During the design and permitting phases, the FDOT will reassess the project action area for potential involvement with federal and state-protected species and coordinate further with the various federal and state resource agencies as necessary.

The FDOT appreciates the USFWS' involvement with this project. The FDOT respectfully requests your review comments or written letter of concurrence with the findings and effect determinations presented in the attached NRE within 30 days. If you have any questions or require additional information, please contact me at 813.975.6455 or <u>Allison.Conner@dot.state.fl.us</u>.

Sincerely,

Allison Conner

Allison Conner Environmental Specialist III Planning & Environmental Management Office (PLEMO) Florida Department of Transportation – District Seven

cc: Craig Fox, FDOT Kirk Bogen, FDOT-D7 Robin Rhinesmith, FDOT-D7 Brittany Bianco, FDOT-OEM Deena Woodward, FDOT-OEM Heather Mason, FDEP Monte Ritter, SWFWMD Chastity LaRiche, SWFWMD Laura DiGruttolo, FWC Jason Hight, FWC Kristee Booth, FWC Terry Gilbert, FWC Sean Greene, FWC <u>ConservationPlanningServices@MyFWC.com</u> Vincent Morris, FDACS



RON DESANTIS GOVERNOR 11201 North McKinley Drive Tampa, FL 33612 KEVIN J. THIBAULT, P.E. SECRETARY

The U.S. Fish and Wildlife Service finds the attached project documentation complete and sufficient and ______ concurs/ _____ does not concur with the recommendations and findings provided herein.

USFWS Comments:

ZAKIA WILLIAMS

Digitally signed by ZAKIA WILLIAMS Date: 2021.11.24 21:59:46 -05'00'

Date

Zakia Williams (or Designee) U.S. Fish and Wildlife Service North Florida Ecological Services Office





Florida Fish and Wildlife Conservation Commission

Commissioners Rodney Barreto Chairman *Coral Gables*

Michael W. Sole Vice Chairman Sebastian

Steven Hudson Fort Lauderdale

Gary Lester Oxford

Gary Nicklaus Jupiter

Sonya Rood St. Augustine

Robert A. Spottswood Key West

Office of the Executive Director

Eric Sutton Executive Director

Thomas H. Eason, Ph.D. Assistant Executive Director

Jennifer Fitzwater Chief of Staff

850-487-3796 850-921-5786 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street Tallahassee, Florida 32399-1600 Voice: 850-488-4676

Hearing/speech-impaired: 800-955-8771 (T) 800 955-8770 (V)

MyFWC.com

November 18, 2021

Allison Conner Planning & Environmental Management Office Florida Department of Transportation District 7 11201 North McKinley Drive Tampa, FL 33612 Allison.Conner@dot.state.fl.us

Re: US 98 from CR 54 to US 301/US 98, Natural Resource Evaluation, Hillsborough County

Dear Ms. Conner:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced Natural Resource Evaluation (NRE) in accordance with FWC's authorities under Chapter 379, Florida Statutes and Chapter 67A-27, Florida Administrative Code.

The Florida Department of Transportation (FDOT) District 7 is conducting a Project Development and Environmental Study for proposed improvements along an approximately 8.6mile segment of US 98 from CR 54 to US 301/US 98 in Pasco County. The proposed work consists of widening US 98 from two to four lanes within the study area. US 98 will also be realigned between CR 35A and US 301 to allow alignment with the new Clinton Avenue Intersection at US 301.

Stormwater management and floodplain compensation areas will also be constructed and incorporated as part of the final project design. According to FDOT, the proposed US 98 improvements are needed to address projected traffic demands, improve system linkage, and increase public safety. FDOT has also proposed to construct 10-foot-wide concrete shelves under both sides of the Hillsborough River Bridge in the project area in order to facilitate future wildlife movement and habitat connectivity.

FWC staff finds the determinations of effect and project commitments are appropriate to avoid, minimize, and mitigate protected species impacts, and no additional comments regarding the subject NRE are necessary at this time. For specific technical questions regarding this information, please contact Terry Gilbert at (850) 728-1103 or <u>Terry.Gilbert@MyFWC.com</u>. All other inquires may be directed to <u>ConservationPlanningServices@MyFWC.com</u>.

Sincerely

Jason Hight Land Use Planning Administrator Office of Conservation Planning Services

jh/tg US-98 -98 from CR-54 to US-301-US-98 NRE_45926_11182021 November 19, 2021

Memorandum

To: Monte Ritter, P.E., Chief Professional Engineer From: Chaz LaRiche, Senior Environmental Scientist RE: US98 (SR700) from CR54 to US301/US98– NRE ETDM# 14374

I have completed my review of the above referenced NRE Report received by the District October 2021. I have the following comments for the updated project as it relates to the proposed roadway improvements:

- Please note that as of December 22, 2020, the Florida Department of Environmental Protection (FDEP) was delegated the Federal 404 Permitting. The Environment Resource Permit (ERP) procedure has been modified to allow for joint site inspections with the FDEP to streamline the overall permitting process. As part of the 404 Assumption, the binding of wetland and surface water lines, associated with a project area, can only be accomplished through a Formal Wetland Delineation, as of the time of this report.
- The NRE report identified wetland systems located outside of the project limits but within the 300-foot buffer used for this stage of project review. Please note that Subsection 7.2.2(e)(2)(e) of the ERP Applicant's Handbook Vol I, indicates regulated activities within 200 feet of the landward extent of a wetland will require field established flags pursuant to Chapter 62-340, F.A.C.
- The NRE report states that "dry ditches were not included in the streams and waterways cover type". Please note that unless the system meets the definition of a swale, ditches may be classified as streams and waterways (FLUCCS 510) if they were constructed for the conveyance of water, and will need to be considered surface waters as part of the permit process.
- The NRE identifies 1.02 acres of secondary impacts to wetlands associated with Boarshead Ranch Mitigation Bank. The District recommends beginning the coordination with the mitigation bank prior to submitting the permit application since the impacts have the potential to require a modification to the mitigation bank permit.
- In addition, if impacts are proposed to SWFWMD owned or managed lands, please start communication with the District's Land Bureau prior to the submittal of the permit application to the District since this can be a lengthy process.

- The NRE provided the UMAMs for the impacted wetlands. Please note that the UMAMs will only be reviewed during the permitting process with the District and FDEP and are not being agreed upon through this NRE review.
- The District has received several calls with regards to the location of SMF 200-1 on Mr. Ronald Mims property. District staff has stated that the permit application has not been received yet and that he will need to reach out to the Department for further/additional clarification on that pond location on his property.

APPENDIX B

Revised Project Plans









































APPENDIX C

UMAM Forms for Revised SMF 200-1 Location

PART I – Qualitative Description (See Rule 62-345.400, F.A.C.)

Site/ProjectName US 98 from Polk County Line to US 301		Application Number			Assessment Area Name or Number WL-18 and WL-19	
FLUCCs code Further classificat 6410: Freshwater Marshes PEM1		tion (optional)		Impact Impact	t or Mitigation Site? t	Assessment Area Size 2.20 acres
Basin/Watershed Name/Number A Withlacoochee, HUC8 No.: 0.3100208 (Basin/Watershed Name/Number Affected Waterbody(Class) Nithlacoochee, HUC8 No.: 0.3100208 Class III		Special Classification (i.e. OFW, AP, other local/state/federal designation of importance) None			
Geographic relationship to and hydr These sites are non-forested system housing, livestock operations, and l	ologic connection with ns that are hydrologic JS 98.	wetlands, other so ally contiguous w	urface water, upla ith the upper Hills	nds sborou	gh River. Adjacent up	olands contain rural
Assessment area description Emergent wetlands adjacent within	rural pastures that co	ntain species suc	h as blue maiden	cane, :	soft rush, bushy blues	stem, and pickerelweed.
Significant nearby features US 98, CR 54, and livestock pastures		Uniqueness (considering the relative rarity in relation to the regional landscape.) Common for the area				
Functions Offers habitat and foraging for multip serves as a fire buffer.	le species, enhances w	vater quality, and	Mitigation for pre N/A	vious p	permit/other historic us	e
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found) These areas are anticipated to provide habitat and foraging for:small mammals, wading birds, amphibians, reptiles, and fish			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area) Eastern Indigo Snake – FT, possible foraging habitat Wood Stork – FT, possible foraging and roosting habitat Little Blue Heron, Roseate Spoonbill, and Tricolored Heron – ST, possible foraging and roosting habitat			
Observed Evidence of Wildlife Utiliz Wood stork were observed flying ov	ation (List species dire /er the site and a little	ectly observed, or blue heron was o	other signs such a observed foraging	as track nearb	ks, droppings, casings y.	, nests, etc.):
Additional relevant factors:						
Assessment conductedby: Brett Berube			Assessment date 03/07/2022	e(s):		

Form 62-345.300(1) [effective date 02-04-2004] Incorporated by reference in paragraph 62-345.300(3)(a), F.A.C.

Site/Project Name US 98 from Polk County Line to US 301		Application Number	Assessme WL-18 and	Assessment Area Name or Number WL-18 and WL-19	
Impact or Mitigation Impact		Assessment conducted by: Assessment date: Brett Berube 03/07/2022		nt date: 2	
Scoring Guidance The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Optimal (10) Condition is optimal and fully supports wetland/surface water functions	Moderate(7) Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Moderate(7)Minimal (4)Not PCondition is less than otimal, but sufficient to maintain mostMinimal level of support of wetland/surface water functionsCondition provide w water		
.500(6)(a) Location and Landscape Support	These systems are able support is limited due pastures and residenti downstream systems i	ble to provide optimal support for most wildlife species, but this ue the fragmentation by the upland land uses such as the livestock ntial areas. Due to the location of these systems, support to us is likely limited during the dry season.			
w/o pres or current with 6 0					
.500(6)(b)Water Environment (n/a for uplands)	Most hydrologic indicators were consistent with the expectations for this system type. However, natural hydrology has been disrupted by US 98, CR 54, upland land uses, and associated stormwater management features.				
w/o pres or current with 8 0	-				
.500(6)(c)Communitystructure	These systems have a majority of suitable species, but these areas are grazed by cattle and mowed during the dry season, both of which limit the natural growth and recruitment of hydrophytic species.				
 Vegetation and/or Benthic Community 					
w/o pres or current with 7 0					
Score = sum of above scores/30 (if uplands, divide by 20) current or w/o pres with 0.70 0	If preservation as mitig Preservation adjustme Adjusted mitigation de	ation, ent factor = Ita =	For impact FL = delta x acre -0.70 x 2.19 = -1	assessment areas 95 = .53	
Delta = [with-current]	If mitigation Time lag (t-factor) = Risk factor =		For mitigation RFG = delta/(t-fa	n assessmentareas actor x risk) =	

Form 62-345.300(2) [effective date 02-04-2004] Incorporated by reference in paragraph 62-345.300(3)(b), F.A.C.

Site/Project Name US 98 from Polk County Line to US 301		Application Number	Assessment Are WL-18 and WL-1	Assessment Area Name or Number WL-18 and WL-19		
Impact or Mitigation Impact		ssessment conducted by: Assessment date: Brett Berube 03/07/2022		te:		
Scoring Guidance The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Optimal (10) Condition is optimal and fully supports wetland/surface water functions	Moderate(7)Minimal (4)Not PresentCondition is less than optimal, but sufficient to maintain most wetland/surface waterfunctionsMinimal level of support of wetland/surface water functionsCondition is insuffi provide wetland/s water function				
.500(6)(a) Location and Landscape Support	These systems are able support is limited due pastures and residenti downstream systems i	ole to provide optimal support for most wildlife species, but this the the fragmentation by the upland land uses such as the livestock ntial areas. Due to the location of these systems, support to s is likely limited during the dry season.				
w/o pres or current with 6 5						
.500(6)(b)Water Environment (n/a for uplands)	Most hydrologic indica However, natural hydr associated stormwate	ators were consistent w rology has been disrupt r management features	ith the expectations fc ed by US 98, CR 54, up s.	or this system type. land land uses, and		
w/o pres or current with 8 7						
.500(6)(c)Communitystructure	These systems have a and mowed during the recruitment of hydrop	nese systems have a majority of suitable species, but these areas are grazed by cattle nd mowed during the dry season, both of which limit the natural growth and ecruitment of hydrophytic species.				
 Vegetation and/or Benthic Community 						
w/o pres or current with 7 6						
Score = sum of above scores/30 (if uplands, divide by 20) current or w/o pres with 0.70 0.60	If preservation as mitig Preservation adjustme Adjusted mitigation de	pation, ent factor = elta =	For impact asset FL = delta x acres = -0.10 x 0.01= -0.001	ssmentareas		
Delta = [with-current]	If mitigation Time lag (t-factor) =		For mitigation ass	essmentareas x risk) =		

Form 62-345.300(2) [effective date 02-04-2004] Incorporated by reference in paragraph 62-345.300(3)(b), F.A.C.

PART I – Qualitative Description (See Rule 62-345.400, F.A.C.)

Site/ProjectName US 98 from Polk County Line to US 301		Application Number		1	Assessment Area Name or Number WL-20	
FLUCCs code Further classifica 6430: Wet Prairies PEM1		ition (optional)		Impact Impact	t or Mitigation Site?	Assessment AreaSize 0.012 acre
Basin/Watershed Name/Number Withlacoochee, HUC8 No.: 0.3100208	Basin/Watershed Name/Number Affected Waterbody(Class) Withlacoochee, HUC8 No.: 0.3100208 Class III		Special Classification (i.e. OFW, AP, other local/state/federal designation of importance) None			
Geographic relationship to and hydr This site is a non-forested system livestock operations, and US 98.	ologic connection with hat is hydrologically co	wetlands, other so ontiguous with the	urface water, upla e Upper Hillsborou	nds ugh Riv	ver. Adjacent uplands	s contain rural housing,
Assessment area description Emergent wetlands adjacent withir	rural pastures that co	ntain species suc	h as blue maiden	cane, t	bushy bluestem, and	torpedograss.
Significant nearby features US 98, CR 54, and livestock pastures			Uniqueness (considering the relative rarity in relation to the regional landscape.) Common for the area			
Functions Offers habitat and foraging for multiple species, enhances water quality, and serves as a fire buffer.			Mitigation for previous permit/other historic use N/A			
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found) These areas are anticipated to provide habitat and foraging for small mammals, wading birds, amphibians, reptiles, and fish			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area) Eastern Indigo Snake – FT, possible foraging habitat Wood Stork – FT, possible foraging and roosting habitat Little Blue Heron, Roseate Spoonbill, and Tricolored Heron – ST, possible foraging and roosting habitat			
Observed Evidence of Wildlife Utiliz Wood stork were observed flying o	ation (List species dire ver the site and a little	ectly observed, or blue heron was c	other signs such a observed foraging	is track nearby	s, droppings, casings y.	, nests, etc.):
Additional relevant factors:						
Assessment conductedby: Brett Berube		Assessment date(s): 03/07/2022				

Form 62-345.300(1) [effective date 02-04-2004] Incorporated by reference in paragraph 62-345.300(3)(a), F.A.C.

te/Project Name S 98 from Polk County Line to US 301		Application Number	Assessment Are WL-20	Assessment Area Name or Number WL-20	
Impact or Mitigation Impact		Assessment conducted by: Brett Berube	Assessment date 03/07/2022	9:	
	Outline of (40)	Madavata (7)	Mississed (4)	Not Drocort (0)	
The scoring of each indicator is based on what would be suitable for the type of wetlandor surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions	
.500(6)(a) Location and Landscape Support w/o pres or current with	This system is able to p is limited due the fragr and residential areas. is likely limited during	provide optimal support mentation by the uplan Due to the location of t the dry season.	t for most wildlife spec d land uses such as the his system, support to	ies, but this support livestock pastures downstream systems	
6 0					
.500(6)(b)Water Environment (n/a for uplands) w/o pres or	However, natural hydr	rology has been disruptor r management features	ed by US 98, CR 54, upl	and land uses, and	
8 0					
.500(6)(c)Community structure	This system has a majo during the dry season, hydrophytic species.	prity of suitable species, both of which limit the	, but the area is grazed natural growth and re	by cattle and mowed cruitment of	
 Vegetation and/or Benthic Community 					
w/o pres or current with 7 0					
Score = sum of above scores/30 (if uplands, divide by 20) current or w/o pres with 0.70 0	If preservation as mitig Preservation adjustme Adjusted mitigation de	ation, ent factor = Ita =	For impact asses FL = delta x acres = -0.70 x 0.002 = -0.001	smentareas	
Delta = [with-current]	If mitigation Time lag (t-factor) =		For mitigation asse	essmentareas	
-0.70	Risk factor =		RFG = delta/(t-factor x	risk) =	

Form 62-345.300(2) [effective date 02-04-2004] Incorporated by reference in paragraph 62-345.300(3)(b), F.A.C.

Site/Project Name US 98 from Polk County Line to US 301		Application Number	Assessment Are WL-20	Assessment Area Name or Number WL-20	
Impact or Mitigation Impact		Assessment conducted by: Brett Berube	Assessment date 03/07/2022	9:	
Section Cuidenee	Ontimal (10)	Madarata(7)	Minimal (1)	Not Dresent (0)	
The scoring of each indicator is based on what would be suitable for the type of wetlandor surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions	
.500(6)(a) Location and Landscape Support w/o pres or current with	This system is able to p is limited due the fragr and residential areas. is likely limited during	provide optimal support mentation by the uplan Due to the location of t the dry season.	t for most wildlife spec d land uses such as the his system, support to	ies, but this support livestock pastures downstream systems	
6 5					
.500(6)(b)Water Environment (n/a for uplands) w/o pres or current with	However, natural hydr associated stormwater	ology has been disrupter management features	ed by US 98, CR 54, upl	and land uses, and	
8 /					
.500(6)(c)Communitystructure 1. Vegetation and/or 2. Benthic Community	This system has a majc during the dry season, hydrophytic species.	prity of suitable species, both of which limit the	, but the area is grazed natural growth and re	by cattle and mowed cruitment of	
w/o pres or current with 7 6					
Score = sum of above scores/30 (if uplands, divide by 20)current or w/o pres0.70	If preservation as mitig Preservation adjustme Adjusted mitigation de	ation, ent factor = Ita =	For impact asses FL = delta x acres = -0.10 x 0.01 = -0.001	smentareas	
	If mitigation		For mitigation asse	essmentareas	
Delta = [with-current]	Time lag (t-factor) =				
-0.10	Risk factor =		RFG = delta/(t-factor x	risk) =	

Form 62-345.300(2) [effective date 02-04-2004] Incorporated by reference in paragraph 62-345.300(3)(b), F.A.C.