



United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

May 8, 2013

Jeffrey James
Florida Department of Transportation
801 North Broadway Avenue
Bartow, Florida 33830

Service CPA Activity Code: 2011-CPA-0072
Service Consultation Code: 2011-I-0055
Date Received: April 25, 2013
Project: Interstate 75 at County Road 951
Interchange Improvements
County: Collier

Dear Mr. James:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated April 24, 2013, and other information submitted by the Florida Department of Transportation (FDOT), on behalf of the Federal Highway Administration, for the project referenced above. This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

PROJECT DESCRIPTION

The FDOT is proposing improvements to the Interstate 75 (I-75) interchange at County Road (CR) 951. The improvements include the reconstruction and extension of the existing ramps and construction of the two additional clover-leaf type ramps at the intersection of I-75 and CR 951. The project also includes the construction of fly-over bridges on CR 951 at the intersection of State Road 84, the construction of four new stormwater ponds, and the reconfiguration of three existing stormwater ponds. The purpose of the project is to improve traffic movement and reduce traffic congestion. The project will fill 11.82 acres of wetlands. The FDOT will compensate for impacts to wetlands by providing credits from a Service-approved wetland mitigation bank. The project site is located in Sections 2 and 3, Township 50 South, Range 26; and Sections 34 and 35, Township 49 South, Range 26 East, Collier County, Florida.

THREATENED AND ENDANGERED SPECIES

Florida panther

The project corridor is not located within the Service's "Focus Area" for the endangered Florida panther (*Puma concolor coryi*). The Focus Area is based on the scientific information on panther habitat usage provided in Kautz et al. 2006, and Thatcher et al. 2006, and denotes areas in Florida



where development projects could potentially affect the panther. The FDOT has determined the project “may affect, but is not likely to adversely affect” the Florida panther. The Service notes the project is located in a largely urbanized area outside of the panther focus area, and the proposed improvements will not increase motor vehicle traffic in the area. Therefore, we concur with the FDOT’s determination for the panther.

Eastern indigo snake

The project occurs within the geographic range of the threatened eastern indigo snake (*Drymarchon corais couperi*). Eastern indigo snakes were not observed during pedestrian surveys of the project footprint. To minimize adverse effects to this species during construction, the FDOT has agreed to follow the Service’s *Standard Protection Measures for the Eastern Indigo Snake* (Service 2004a) during construction of the project. The FDOT has determined the project “may affect, but is not likely to adversely affect” the eastern indigo snake. Based on the adherence to the indigo snake protection measures, the Service concurs with this determination.

Florida scrub-jay

The project is located within the geographic range of the threatened Florida scrub-jay (*Aphelocoma coerulescens*). However, suitable habitat for the scrub-jay does not occur in or near the project corridor. The FDOT has determined the project “may affect, but is not likely to adversely affect” the Florida scrub-jay. Based on the information provided, the Service concurs with the FDOT’s determination for the scrub-jay.

Red-cockaded woodpecker

The project site is located within the geographic range of the endangered red-cockaded woodpecker (RCW; *Picoides borealis*). RCWs and RCW nest cavities were not observed in or near the project footprint during surveys of suitable habitat conducted in February 2013. Consequently, the FDOT has determined the project “may affect, but is not likely to adversely affect” the RCW. Based on the survey information provided, the Service concurs with this information.

Wood stork

The project site is located within the core foraging area (CFA, within 18.6 miles) of an active breeding colony of the endangered wood stork (*Mycteria americana*). The Service believes the loss of wetlands within a CFA may reduce foraging opportunities for wood storks. To minimize adverse effects to the wood stork, the Service’s Draft Supplemental Habitat Management Guidelines for the Wood Stork in the South Florida Ecological Services Consultation Area (Service 2004b) recommends the applicant replace wetlands lost due to the action. The compensation plan should include a temporal lag factor, if necessary, to ensure wetlands provided as compensation adequately replace the wetland functions lost due to the project. Moreover, wetlands offered as compensation should be of the same hydroperiod, and located within the CFA of the affected wood stork colony.

The Service does not consider the preservation of wetlands, by itself, as adequate compensation for impacts to wood stork foraging habitat, because the habitat lost is not replaced. Accordingly, any wetland mitigation plan that includes the preservation of wetlands should include a restoration, enhancement, or creation component. In some cases, the Service accepts wetlands compensation located outside the CFA of the affected wood stork nesting colony. Specifically, wetland credits purchased from a "Service Approved" mitigation bank located outside the CFA would be acceptable to the Service, provided the impacted wetlands occur within the permitted service area of the bank.

For projects that impact 5 or more acres of wood stork foraging habitat, the Service requires a functional assessment be conducted using our "Wood Stork Foraging Analysis Methodology" (Methodology) on the foraging habitat to be impacted and the foraging habitat provided as mitigation. The Methodology can be found in the Service's May 18, 2010, wood stork determination key (Service Federal Activity Code Number 41420-2007-FA-1494) provided to the U.S. Army Corps of Engineers.

The FDOT has determined the project "may affect, but is not likely to adversely affect" the wood stork. The project will impact 11.00 acres of short-hydroperiod wetlands (*i.e.*, inundated < 180 days per year) and 0.82 acre of long-hydroperiod wetlands (*i.e.*, inundated \geq 180 days per year) that may provide foraging habitat for the wood stork. Through the application of the Service's wood stork methodology, the FDOT has determined the 11.00 acres of short-hydroperiod wetlands and the 0.82 acre of long-hydroperiod wetlands provide 3.56 kilograms (kg) and 3.65 kg of wood stork forage biomass, respectively. To compensate for impacts to wood stork foraging habitat, the FDOT proposes to provide credits from a Service-approved wetland mitigation bank during permitting of the project. Credits will be sufficient to offset 7.21 kg of wood stork foraging biomass (3.65 kg of short-hydroperiod and 3.65 ac of long-hydroperiod). Based on the minor overall impacts to wood stork foraging habitat resulting from the project, the Service concurs with the FDOT's determination for the wood stork.

This letter fulfills the requirements of section 7 of the Act and further action is not required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

Thank you for your cooperation in the effort to protect federally listed species and fish and wildlife resources. If you have any questions regarding this project, please contact John Wrublik at 772-469-4282.

Sincerely yours,



 Larry Williams
Field Supervisor
South Florida Ecological Services Office

cc: electronic only
Corps, Palm Beach Gardens, Florida (Garett Lips)
FWC, Tallahassee, Florida (FWC-CPS)
NOAA Fisheries, St. Peterburg, Florida (David Rydene)

LITERATURE CITED

- Kautz, R., R. Kawula, T. Hctor, J.Comiskey, D. Jansen, D. Jennings, J. Kasbohm, F. Mazzotti, R. McBride, L. Richardson, and K. Root. 2006. How much is enough? Landscape-scale conservation for the Florida panther. *Biological Conservation* 130:118-133.
- Thatcher, C. A., F. T. van Manen, and J. D. Clark. 2006. An assessment of habitat north of the Caloosahatchee River for Florida panthers. Leetown Science Center, Southern Appalachian Research Branch, U. S. Geological Survey, Knoxville, Tennessee, USA.
- U.S. Fish and Wildlife Service. 2004a. Standard protection measures for the eastern indigo snake. Fish and Wildlife Service, South Florida Ecological Services Office; Vero Beach, Florida.
- U.S. Fish and Wildlife Service. 2004b. Draft Supplemental Habitat Management Guidelines for the Wood Stork in the South Florida Ecological Services Consultation Area. Fish and Wildlife Service, South Florida Ecological Services Office; Vero Beach, Florida.