



United States Department of the Interior

U. S. FISH AND WILDLIFE SERVICE

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JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:

FWS Log No. 04EF1000-2015-1-0061

August 28, 2015

William G. Walsh
District 5 Environmental Manager
Florida Department of Transportation
719 S. Woodland Blvd.
Deland, FL 32720

RE: Wekiva Trail
Project Development & Environment (PD&E) Study
Lake and Orange Counties, Florida
FDOT Work Program Number: 430975-1-28-1

Dear Mr. Walsh:

The U.S. Fish and Wildlife Service (Service) has completed its review of the Wildlife and Habitat Report (WHR) and the species survey reports for the Florida scrub-jay and sand skink for the Wekiva Trail PD&E Study. The Wekiva Trail is proposed to be a 12 to 14 foot-wide paved multi-use trail connecting the City of Mount Dora with the Seminole Wekiva Trail near the Wekiva River. The Service provides the following comments in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

The Service received a request from the Florida Department of Transportation (FDOT) for informal consultation on August 6, 2015, to review the Wildlife and Technical Memorandum as well as the Wildlife Habitat Report and the species reports for the Wekiva Trail PD&E Study. It is our understanding that the FDOT intends to continue informal consultation for the project's effects on the listed species during its future permitting process. It is also understood that wetland impacts to suitable wood stork foraging areas will be offset through preservation and enhancement of wetlands during the permitting process. The Service has reviewed the documents provided and FDOT's effects determinations for potential impacts to species listed under the Endangered Species Act and provide the following comments.

Eastern Indigo Snake (*Drymarchon corais couperi*)

FDOT made a 'may affect, but not likely to adversely affect' determination for the eastern indigo snake due to the fact that the species was not observed during pedestrian surveys at the proposed project corridor but more than 25 gopher tortoise burrows were observed indicating probable presence. The proposed project will be built at grade and will not restrict movement between habitats. FDOT will implement the *Standard Protection Measures for the Eastern Indigo Snake*

during the construction phase of this project and will scope the gopher tortoise burrows wherever needed. Based on our review of the information provided and FDOT's commitment to implement the *Standard Protection Measures for the Eastern Indigo Snake* the Service concurs with the 'may affect, but not likely to adversely affect' determination for the Eastern indigo snake.

Everglade Snail Kite

The Everglade snail kite range is restricted to the watersheds of the Everglades, lakes Okeechobee and Kissimmee, and the upper St. Johns River. Their diet is highly specific composed almost entirely of apple snails. Based on our review of the information provided and our records for snail kite the Service concurs with FDOT's 'no effect' determination for the Everglade snail kite.

Florida Scrub Jay (*Aphelocoma coerulescens*)

The proposed project area has Florida scrub jays (FLSJ) habitat identified and a direct observation of a FLSJ was made near the Neighborhood Lakes segment in 2013. Species specific surveys done by Inwood Consulting Engineers, Inc in 2014 did not identify or observe any FLSJ within the project area and adjacent to the limits of construction. The Service did an on-site evaluation of the habitat, has reviewed the survey reports and documents provided and concurs with a 'may affect, but not likely to adversely affect' determination for the Florida scrub jay.

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

Sand skinks and blue-tailed mole skinks are endemics to the sandy ridges of central Florida. Their distribution is defined by the soil type and elevation. The Service has reviewed the survey reports and documents provided and concurs with a 'may affect, but not likely to adversely affect' determination for sand skinks.

Wood Stork (*Mycteria americana*)

Impact to suitable foraging habitat for wood storks was evaluated to be less than 0.5 acres. Mitigation for impacts to suitable wood stork foraging areas will be offset through preservation and enhancement of wetlands within the same Core Foraging Area. The Service has reviewed the survey reports and documents provided and concurs with a 'may affect, but not likely to adversely affect' determination for this species.

Fish and Wildlife Coordination Act

The FDOT is statutorily obligated to mitigate all wetland impacts according to the Clean Water Act and the Section 404 permitting process through the Army Corps of Engineers. In addition, the State of Florida also requires the demonstration of avoidance, minimization and mitigation of wetland impacts. Wetland impacts are expected to be minimal and mitigation for impacts to suitable wood stork foraging areas will be offset through preservation and enhancement of wetlands within the same Core Foraging Area.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Herrington", with a stylized flourish extending to the right.

for Jay B. Herrington
Field Supervisor