

An aerial photograph of a suburban area. A yellow highlight is drawn over a road on the left side, which then turns into a yellow arrow pointing horizontally across the middle of the image. The background shows a mix of residential streets with houses, larger commercial buildings, and green spaces with trees.

**APPENDIX I**

**AGENCY COORDINATION**



007 4 12 1:55 PM

## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.  
SECRETARY

October 2, 2012

Mr. Martin C. Knopp  
U.S. Department of Transportation  
Federal Highway Administration  
Florida Division Office  
545 John Knox Road, Suite 200  
Tallahassee, FL 32303

Attention: Ms. Cathy Kendall, Environmental Specialist

RE: *Cultural Resource Assessment Survey of the New Interchange at I-95 and Ellis Road*  
*PD&E Study, Brevard County, Florida*  
Financial Management # 426905-1-22-01

RECEIVED  
BUREAU OF  
HISTORIC PRESERVATION  
2012 NOV - 1 P 1:55

Dear Ms. Kendall,

Enclosed please find the report titled *Cultural Resource Assessment Survey of the New Interchange at I-95 and Ellis Road PD&E Study, Brevard County, Florida*. The following documents are included:

- One additional bound copy of the final report.
- One compact disk containing .pdf files for the final report.
- One SHPO package containing one unbound copy of the CRAS final report, one completed Survey Log Sheet, and accompanying documentation.

The enclosed report presents the findings of a Phase I cultural resource assessment survey (CRAS) conducted in support of a Project Development and Environment (PD&E) Study for a new interchange on Interstate 95 (I-95) at Ellis Road in Brevard County, Florida. The Florida Department of Transportation (FDOT), District 5, is considering the proposed construction of a new interchange at Mile Post (MP) 22.07 on I-95 as well as capacity improvements along Ellis Road between I-95 and NASA Boulevard. The project corridor for the present survey extends from Wickham Road along Ellis Road to the proposed interchange with I-95.

The archaeological survey resulted in the identification of one new archaeological site, 8BR2784, located along the north side of Ellis Road, east of John Rodes Boulevard and west of Stan Drive. In the opinion of the Principal Investigator, site 8BR2784 is not eligible for listing in the National Register of Historic Places (NRHP).

Three historic resources (8BR2781–8BR2783) were recorded within the APE. They were evaluated as to their potential for listing in the NRHP. The resources all lack the architectural distinction or significant historical associations necessary to be considered for listing in the NRHP and have been determined ineligible. No potential NRHP districts were located due to the lack of concentration of historic structures. No NRHP-listed or eligible resources were identified within the Ellis Road PD&E APE. No further work is recommended.

Based on the results of this investigation, it is the opinion of the District that the proposed undertaking will have no effect on historic resources eligible or potentially eligible for listing in the NRHP. I respectfully request your concurrence with the findings of the enclosed CRAS report. Should you concur, please indicate such in the signature box below and submit the unbound copy of this document along with the accompanying Survey Log Sheet and electronic Florida Master Site File forms to the Florida State Historic Preservation Officer, for review and comment.

If you have any questions or need further assistance, please contact me at (386) 943-5411.

Sincerely,


A handwritten signature in cursive script, appearing to read "William G. Walsh".

William G. Walsh  
Environmental Administrator  
FDOT, District Five

The FHWA finds the attached Cultural Resources Assessment Report complete and sufficient and  approves /  does not approve the above recommendations and findings.

The FHWA requests the SHPO's opinion on the sufficiency of the attached report and the SHPO's opinion on the recommendations and findings contained in this cover letter and in the comment block below.

FHWA Comments:



/s/   
For: Martin C. Knopp  
Division Administrator  
Florida Division  
Federal Highway Administration

10/30/12  
Date

The Florida State Historic Preservation Officer:

finds the attached report complete and sufficient and  concurs/  does not concur with the findings and recommendations contained in this cover letter.

does not find the attached report complete and sufficient and requires additional information in order to provide an opinion on the potential effects of the proposed project on historic resources.

/s/   
Florida State Historic Preservation Officer

11-16-2012  
Date

2012-4897  
DHR Project No.



# United States Department of the Interior

## U. S. FISH AND WILDLIFE SERVICE

7915 BAYMEADOWS WAY, SUITE 200  
JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:

FWS Log No. 41910-2014-I-0106

February 25, 2014

Mr. William G. Walsh  
Environmental Administrator  
FDOT District 5  
719 South Woodland Blvd  
DeLand FL 32720-6800

RE: I-95/Ellis Road Interchange and Ellis Road from I-95 to Wickham Road (CR509)  
Financial ID No. 426905-1-22-01  
Federal Aid No. SFT1 251 R

Dear Mr. Walsh:

The US Fish and Wildlife Service (Service) has completed its review of a proposal to create a new interchange at I-95 and Ellis Road, extend Ellis road from its' western terminus to I-95 (approximately .4 miles) and widen the existing Ellis road east to Wickham Road. Ellis Road is currently a two lane undivided highway from John Rodes Blvd (SR 511) until it reaches the intersection of Lake Ibis road where it becomes a four lane divided highway that terminates at Wickham Road. The proposal involves widening Ellis road to a four lane divided highway in order to accommodate future traffic levels and provide a direct route from I-95 to the Melbourne airport in Brevard County, Florida.

The Service has reviewed the information provided by FDOT in the WEBAR (dated January 2013) and subsequent surveys for federally listed species, regarding the presence or absence of species within the action area and we provide the following timeline of actions:

February 2013- FDOT submitted a Wetland Evaluation and Biological Assessment Report (WEBAR) to the Service. The WEBAR indicated habitat for listed species was present and would be impacted but surveys for federally listed species would be completed at a later date.

May 2013 - The Service informed FDOT that surveys for listed species needed to be completed before a determination of effect could be made. The Service cannot concur with a 'May Affect but Not Likely to Adversely Affect' (MANLAA) determination before surveys are completed for federally listed species.



December 2013 - FDOT submitted the results of a Florida scrub-jay (*Aphelocoma coerulescens*) (FLSJ) survey conducted in October 2013 at pond site 4A. Although FLSJs were seen at three call stations, the FDOT concluded that a bird was “just passing through” the area. FDOT made a MANLAA determination based on survey results.

January 2014 - The Service asked for further information on the FLSJ survey data, including the direction of flight to and from the call stations, as per the survey protocol. After further internal review, the Service concluded there was not enough information to delineate the amount of occupied habitat and did not agree that the birds were transient. The guidelines state that a minimum of five days is required for the survey effort, however in many cases additional time is needed to discern territorial boundaries.

January 2014 - The Service coordinated a survey for Audubon’s crested caracara (*Polyborus plancus*) with the environmental consultant through emails, phone calls and site visits. The lead Recovery biologist for caracara from the South Florida Ecological Services office met with the consultant in the field to assist in survey design. FDOT decided to postpone this survey and conduct it in the future depending on the timing of the start of construction.

January 2014 - FDOT sent a letter to the Service requesting concurrence on federally listed species, based on the information contained in the January 2013 WEBAR, and the inclusion of specific language recently developed by the Service, Federal Highway Administration (FHWA) and FDOT, that would allow the project to move forward.

### **Endangered Species Act Coordination**

Our comments are for the purpose of providing informal consultation in accordance with section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (FWCA) (16 U.S.C. 661 *et seq.*), and the Migratory Bird Treaty Act of 1918 (MBTA), as amended (16 U.S.C. 703-712 *et seq.*).

#### **Wood Stork (*Mycteria Americana*)**

The project corridor is approximately 2.04 miles long and passes through the Core Foraging Area (CFA) of at least six active nesting colonies of the endangered wood stork. Extensive canals, ditches and numerous wetlands are within the action area and wood storks have been documented foraging in these wetlands. The Service has determined that the loss of wetlands within a CFA due to an action could result in the loss of foraging habitat for the wood stork. To minimize adverse effects to the wood stork and other wetland dependent species, we recommend that impacts to suitable foraging habitat be avoided. The amount of wetland impacts for the preferred alternative and final design should be quantified. FDOT should utilize the Wood Stork Effect Determination Key developed with the Army COE to reach an effect determination. The amount of wetland mitigation needed and where it will be purchased should also be disclosed in order to reach a MANLAA determination.

### **Florida Scrub-Jay (*Aphelocoma coerulescens*)**

At one time this species could be found throughout Brevard County in suitable habitats (scrubby-flatwoods, oak-scrub and coastal scrub). Recent declines are attributable to habitat conversion and lack of management. A survey was conducted (Oct. 2013) in suitable habitat surrounding a potential pond site known as 4A (28.100308N, 80.681572W). Florida scrub-jays responded to call tapes at three call stations and may be utilizing the only area of suitable habitat in this location. Therefore, this project is a 'May Affect' for the Florida scrub-jay and the Service will request additional information if this project moves forward, in order to determine the amount of occupied habitat. FDOT indicated that there is an alternative, existing pond, to the east that could be utilized and would avoid impacts to suitable jay habitat.

### **Audubon's Crested Caracara (*Polyborus plancus*)**

The caracara is a resident, diurnal, non-migratory species that occurs in Florida as well as the Southwestern U.S. and Central America. Only the Florida population, which is isolated from the remainder of the species, is listed as threatened under the ESA. Suitable habitat for this species includes wet and dry prairies, improved pastures and lightly wooded areas. Cabbage palms, cypress, scrub oaks and saw palmetto may be habitat indicators as to the presence or absence of this species. Suitable habitat can be found within the project corridor and may be impacted by this proposal (WEBAR Jan 2013). The Service coordinated with FDOT and their consultant through emails, phone calls and site visits (Jan 2014) to assist with survey design and protocol. FDOT has decided to postpone the 2014 survey.

### **Eastern Indigo Snake (*Drymarchon corais couperi*)**

Suitable habitat for this species can be found within the project corridor. The new interchange, roadway and wider, divided, highway are likely to increase the number of amphibian and reptile deaths as the animals attempt to cross the wider roadway. Direct effects for this species include mortality from additional vehicle traffic and attempts to cross wider roadways. Indirect effects from increased commercial and residential development in this portion of Brevard County as a result of the new roadways (WEBAR page 6-22) will result in further habitat fragmentation and mortality. FDOT has agreed to utilize the new eastern indigo snake guidelines (dated August 2013) found on our office website, <http://www.fws.gov/northflorida/>. Generally, a complete gopher tortoise survey is needed within the ROW in order to utilize the effect determination key. The Service also recommends that plastic netting, frequently used on roadsides under grass or seed, be eliminated from the construction design. Studies have shown that plastic netting entraps many species of snakes and does not deteriorate over time. Biodegradable matting or a similar material should be used to reduce direct, indirect and cumulative effects to this federally listed species and many other common species of snakes found in this area.

### **Gopher Tortoise (*Gopherus polyphemus*)**

Gopher tortoises are long-lived reptiles that occupy upland habitat throughout Florida including forests, pastures, and yards. They dig deep burrows for shelter and forage on low-growing plants. Gopher tortoises share these burrows with more than 350 other species, and are therefore referred to as a keystone species. In July 2011, the Service determined that listing the eastern population of the tortoise as Threatened under the Endangered Species Act is warranted. However, it is precluded from doing so at this time due to higher priority actions and a lack of sufficient funds. Therefore, the tortoise was placed on the candidate conservation list and should

be listed as a candidate species in FDOT documents. Gopher tortoises are a threatened wildlife species and are protected by state law. State permitting guidelines for avoidance, minimization and mitigation should be followed.

**Everglades Snail Kite (*Rostrhamus sociabilis plumbeus*)**

Now officially known simply as a snail kite, the subspecies from Florida and Cuba was listed as endangered in 1967. The range of the Florida population of snail kites is restricted to watersheds in the central and southern part of the state. Because of a highly specific diet composed almost entirely of apple snails (*Pomacea paludosa*), survival of the snail kite depends directly on the hydrology and water quality of these watersheds. No known nesting sites are found within the action area. The Service has determined that this project would have 'No Effect' on this species.

The FDOT has determined the project 'May Affect but is Not Likely to Adversely Affect' the following species: Florida scrub-jay, Audubon's crested caracara, eastern indigo snake, Everglades snail kite and wood stork. In a letter, dated January 31, 2014, FDOT requested a concurrence with a MANLAA determination for all of these species at this time.

The Service does not have enough information to provide concurrence or non-concurrence with FDOT's determination [pursuant to Section 7 of the ESA, as described in 50 § CFR402.14]. In order to comply with Section 7 of the ESA, FDOT has committed to reinitiate consultation with the Service prior to advancing the project to construction. At the time of re-initiation, FDOT will provide additional information, as needed, which will allow the Service to complete our analysis of the project's effects on the species noted above and complete consultation on the project. The FDOT must document this commitment in the final environmental document for the project and in documents for any subsequent re-evaluations of the project.

Bald eagles are no longer listed under the ESA. Coordination with the Office of Migratory Birds is recommended if a nest tree is located within the action area. Information about the new eagle guidelines can be found at (<http://www.fws.gov/migratorybirds/BaldEagle.htm>).

FDOT determined that the project would have 'No Effect' on federally listed plants due to the lack of suitable habitat or occurrence records in the right-of-way.

**Fish and Wildlife Coordination Act**

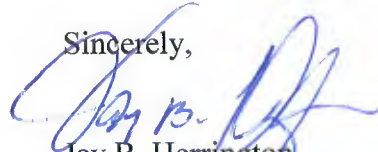
The FDOT is statutorily obligated to mitigate all wetland impacts according to the Clean Water Act and the Section 404 permitting process through the Army Corps of Engineers. In addition, the State of Florida also requires the demonstration of avoidance, minimization and mitigation of wetland impacts. During the design and permitting phase the FDOT has committed to avoiding and minimizing the direct and indirect effects of this project on wetland ecosystems. The January 2013 WEBAR states that the Preferred Alternative will impact 4.17 acres of forested wetlands and 4.20 acres of wet prairie/marsh. Additionally, 13.2 acres of surface waters will be directly impacted. The need to reinitiate consultation will allow the Service to review the final design for the interchange as well as all of the pond locations and wetland impact acreages. The Preferred Alternative avoids any direct impacts to the FDEP Conservation Easement west of I-95.



This letter does not represent a biological opinion as described in Section 7 of the ESA nor a final concurrence with project effects on listed species as determined by the FDOT. New information regarding species presence, changes to and refinement of the proposed project design, and potential adverse effects not initially considered may increase the risk of adverse effects to a level at which take is reasonably certain to occur. All additional information available will be evaluated when ESA consultation is reinitiated.

If you have any questions, please contact Jane Monaghan at (904)731-3119.

Sincerely,



Jay B. Herrington  
Field Supervisor

cc: Scott Sanders-FFWCC  
Andrew Phillips-ACOE



