

## **APPENDIX B**

### **CORRESPONDENCE**

**SHPO CORRESPONDENCE**



FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

Mr. David C. Gibbs  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, FL 32303

June 27, 2007

RE: DHR Project File Number: 2007-5191  
Received by DHR: May 6, 2007  
Project: *Cultural Resource Assessment Survey, Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study*  
County: Orange, Lake, and Seminole

Dear Mr. Gibbs:

Our office received and reviewed the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended, 36 CFR Part 800: Protection of Historic Properties, and Chapter 267, Florida Statutes. It is the responsibility of the State Historic Preservation Officer to advise and assist, as appropriate, Federal and State agencies in carrying out their historic preservation responsibilities; to cooperate with agencies to ensure that historic properties are taken into consideration at all levels of planning and development; and to consult with the appropriate agencies in accordance with the National Historic Preservation Act of 1966 as amended, on undertakings that may affect historic properties and the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties.

Results of the survey identified one previously recorded historic resource (8OR7946) and 14 newly recorded historic resources (8OR6197-6198, 8OR6232, 8SE1953, 8SE1955, 8SE2191-2193, and 8LA3409-3414). One newly recorded archaeological site (8LA3353) was also identified. Our office concurs that two of the resources, the *Paul Bock House* (8OR7946) and *43 Rainey Road* (8OR6232) are potentially eligible for listing in the National Register of Historic Places. We also agree that 11 of the remaining resources (8OR6197, 8SE1953, 8SE1955, 8SE2191-2193, and 8LA3409-3413) are ineligible for listing. We request the following additional information on the remaining resources:

- **Seaboard Coast Line Railway (8LA3414).** Please provide more details and photographs regarding the integrity of the segment within the area of potential effect.
- **2424 Boch Road (8OR6198).** This building's form is consistent with an original function such as a school or church. Additional research should be conducted to determine the building's original use and to uncover any possible historical associations. Also, please submit additional photographs that show all elevations.

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Northeast Regional Office  
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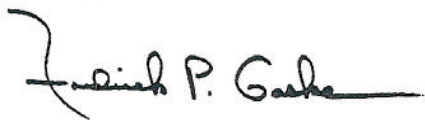
Central Florida Regional Office  
(813) 272-3843 • FAX: 272-2340

Mr. David C. Gibbs  
June 27, 2007  
Page 2

- **6229 Plymouth-Sorrento Road.** Because this building is located directly within the project limits, our office should be consulted about the potential eligibility of this house when the property becomes accessible.
- **Gravestone of Anthony Frazier.** Please record this object on a Florida Master Site File.

We look forward to further consultation with your office regarding this project. If you have any questions, please contact Sherry Anderson, Architectural Historian, Transportation Compliance Review Program, by email [sanderson@dos.state.fl.us](mailto:sanderson@dos.state.fl.us), or at 850-245-6432.

Sincerely,



Frederick P. Gaske, Director, and  
State Historic Preservation Officer

XC: Bob Gleason, FDOT, District Five  
Mark Callahan, CH2M Hill  
Ken Hardin, Janus Research  
Marion Almy, ACI





FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

Mr. David C. Gibbs  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, FL 32303

October 10, 2007

RE: DHR Project File Number: 2007-5191 (b)  
Received by DHR: May 6, 2007; additional information received September 11, 2007  
Project: *Cultural Resource Assessment Survey, Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study*  
County: Orange, Lake, and Seminole

Dear Mr. Gibbs:

We have received and thank you for the additional information regarding the *Seaboard Coast Line Railway* (8LA3414), *2424 Boch Road* (8OR6198), and the *Gravestone of Anthony Frazier* (8OR9251). Our office concurs that 8OR6198 and 8OR9251 are ineligible for listing in the National Register of Historic Places. It appears that there are enough intact portions of the *Seaboard Coast Line Railway*, both inside and outside the area of potential effect, to convey its significance in the areas of community planning and development and transportation. Based on the minimum criteria for listing under "Florida's Historic Railroad Resources" Multiple Property cover nomination, this resource appears to be potentially eligible.

Although surveyors could not access 6229 Plymouth-Sorrento Road, this property will need to be evaluated if it is going to be affected by the project. We look forward to further consultation with your office regarding this project. If you have any questions, please contact Sherry Anderson, Architectural Historian, Transportation Compliance Review Program, by email [sanderson@dos.state.fl.us](mailto:sanderson@dos.state.fl.us), or at 850-245-6432.

Sincerely,

Frederick P. Gaske, Director, and  
State Historic Preservation Officer

XC: Bob Gleason, FDOT, District Five  
Mark Callahan, CH2MHill  
Amy Strelman, Janus Research

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(813) 272-3843 • FAX: 272-2340



FLORIDA DEPARTMENT OF STATE

**Kurt S. Browning**

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Mr. David C. Gibbs  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, FL 32303

March 6, 2008

RE: DHR Project File Number: 2008-964  
Project: *Additional Information related to the Cultural Resource Assessment Survey, Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study*  
Counties: Orange, Lake, and Seminole

Dear Mr. Gibbs:

According to information received and as well as a review of available records, it appears that the majority of the *Seaboard Coast Line Railway* (8LA3414) east of U.S. 441 to Sanford has lost its historic integrity. Some of the segment has been destroyed by the construction of I-4 near Sanford and some of it has been incorporated into a rails to trails project. The rails have been removed throughout most of the remaining portion east of U.S. 441. Consequently, our office concurs that this portion of the former *Sanford to Lake Eustis Railroad* is ineligible for listing in the National Register of Historic Places. The railroad west of U.S. 441 is not a part of this evaluation and additional information would be needed to assess this section. It should also be noted that there appears to be a railroad trestle over U.S. 441 located within this project's area of potential effect. It is unclear if this resource is historic but our office requests that the trestle be recorded and evaluated if over 50 years of age.

Concerning the *Paul Bock House*, it is our understanding that a case study is currently being conducted and we look forward to continuing consultation on this resource. If you have any questions, please contact Sherry Anderson, Architectural Historian, Transportation Compliance Review Program, by email [sanderson@dos.state.fl.us](mailto:sanderson@dos.state.fl.us), or at 850-245-6432.

Sincerely,

Frederick P. Gaske, Director, and  
State Historic Preservation Officer

XC: Bob Gleason, FDOT, District Five  
Amy Streelman, Janus Research

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FLORIDA DEPARTMENT OF STATE  
Kurt S. Browning  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

May 19, 2008

Mr. James Christian  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, FL 32303

RE: DHR Project File Number: 2008-3009  
Received by DHR: April 14, 2008  
Project: *Addendum Cultural Resource Assessment Survey (CRAS) Wekiva Parkway)/SR 46 Realignment*  
Financial Project ID Numbers: 238275-1-22-02 and 240200-1-22-01  
Counties: Orange, Lake and Seminole

Dear Mr. Christian:

Our office reviewed this project in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended, 36 CFR Part 800: Protection of Historic Properties, and Chapter 267, *Florida Statutes*. It is the responsibility of the State Historic Preservation Officer to advise and assist, as appropriate, Federal and State agencies in carrying out their historic preservation responsibilities; to cooperate with agencies to ensure that historic properties are taken into consideration at all levels of planning and development; and to consult with agencies in accordance with the National Historic Preservation Act of 1966 as amended, on undertakings that may affect historic properties and the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties.

One archaeological site (8LA3585) and nine buildings (8LA3581-3583, 8OR7943, 8OR6226-6229, and 8OR9844) were recorded as a part of this addendum. The *Strite House* (8OR9844) is considered to be potentially eligible for listing in the National Register of Historic Places. The remaining resources are ineligible. Our office concurs with these findings and looks forward to further consultation regarding the *Strite House* as well as the *Bock House*, which was identified in the original CRAS. Please note that *23 Rainey Road* (8OR6232), also identified in the original CRAS as potentially eligible, is no longer in the project's area of potential effect. If you have any questions, please contact Sherry Anderson, Architectural Historian, Transportation Compliance Review Program, by email [sanderson@dos.state.fl.us](mailto:sanderson@dos.state.fl.us) or at 850-245-6432.

Sincerely,

Frederick P. Gaske, Director, and  
State Historic Preservation Officer

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U.S. Department of Transportation  
Federal Highway Administration

545 John Knox Road, Suite 200  
Tallahassee, Florida 32303

**FLORIDA DIVISION**

**FLDIV Facsimile Numbers: (850) 942-9691 or (850) 942-8308**

**Date: September 24, 2008**

<b>To:</b> Bob Gleason	<b>Phone:</b> 386-943-5390 <b>Fax:</b> 386-736-5059
---------------------------	--

<b>From:</b> Cathy Kendall	<b>Phone:</b> (850) 942-9650, Ext. 3012 <b>Fax:</b> (850) 942-9691
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**MESSAGE**

**Cover Page Plus 1 Pages**

Bob,

It looks like you were not copied on this letter from SHPO on the Wekiva Parkway project. Please see their comments following their concurrence of "adverse effect".

I believe we will need to have a consultation meeting with them regarding the effects and avoidance/minimization possibilities. Please let us know when you would like to do this and who all would need to come to this meeting.

Thanks,  
Cathy

**Confidentiality Note**

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SEP 17 08 7:12AM



FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
 Secretary of State  
 DIVISION OF HISTORICAL RESOURCES

Mr. David C. Gibbs  
 Federal Highway Administration  
 545 John Knox Road, Suite 200  
 Tallahassee, FL 32303

September 10, 2008

RE: DHR Project File Number: 2008-5789  
 Project: *Section 106 Determination of Effects, Wekiva Parkway (SR 429)/SR 46 Realignment Project*  
 Counties: Orange, Lake, Seminole

Dear Mr. Gibbs:

Our office reviewed the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended, 36 CFR Part 800: Protection of Historic Properties, and Chapter 267, Florida Statutes. It is the responsibility of the State Historic Preservation Officer to advise and assist, as appropriate, Federal and State agencies in carrying out their historic preservation responsibilities; to cooperate with agencies to ensure that historic properties are taken into consideration at all levels of planning and development; and to consult with the appropriate agencies in accordance with the National Historic Preservation Act of 1966 as amended, on undertakings that may affect historic properties and the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties.

We concur that the Preferred Alternative (Alternative 1) would have an adverse effect on the *Paul Bock House* (8OR7946) and the *Strite House* (8OR9844). Please note that the *Strite House* was not identified until 2008 but the Preferred Alternative was chosen in 2007 indicating that this property was not taken into consideration during the decision making process. Alternative 2, which would effectively avoid both houses, appears to be a prudent and feasible alternative when comparing the overall impacts and costs (Exhibit B-3). Furthermore, two Section 106 alternatives, A & B, were developed but excluded because adverse effects could not be eliminated. Minimization efforts combined with mitigation *can* lessen the severity of such impacts and we would like to discuss these options further. Due to the potential impacts to two Section 4(f) properties, our office requests a meeting between the parties. If you have any questions, please contact Sherry Anderson, Architectural Historian, by email [sanderson@dos.state.fl.us](mailto:sanderson@dos.state.fl.us) or at 850-245-6432.

Sincerely,

Frederick P. Gaske, Director, and  
 State Historic Preservation Officer

XC: Roy Jackson, CEMO, FDOT

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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Florida Division**

**545 John Knox Road, Suite 200  
Tallahassee, Florida 32303**

**(850) 942-9650**

October 29, 2008

**In Reply Refer To: ENV-FL**  
DHR Project File Number: 2008-5789  
Wekiva Parkway (SR 429)/SR 46  
Realignment PD&E Study  
Orange, Lake, and Seminole Counties  
**Section 106 Determination of Effects**

Mr. Frederick Gaske  
State Historical Preservation Officer  
Division of Historical Resources  
500 South Bronough Street  
Tallahassee, FL 32399-0250

**Received**  
OCT 30 2008  
FDOT  
Environmental Management

Dear Mr. Gaske:

As part of the ongoing Section 106 consultation required by the National Historic Preservation Act for the Wekiva Parkway project, the Federal Highway Administration's (FHWA's) Florida Division Office received correspondence dated September 10, 2008 from the Division of Historical Resources, State Historic Preservation Officer (SHPO) after review of the *Draft Section 106 Determination of Effect Case Study Report* (July 2008). The letter concurs that the recommended Preferred Alternative would have an adverse effect on both the *Paul Bock House* (8OR7946) and the *Strite House* (8OR9844).

We would like to schedule a coordination meeting as soon as possible with the SHPO, District Five of the Florida Department of Transportation, and the Orlando-Orange County Expressway Authority to discuss the potential effects and to address your comments. The purpose of this letter is to confirm the need for additional consultation.

**MOVING THE  
AMERICAN  
ECONOMY**

Mr. Frederick P. Gaske  
October 29, 2008

2

Thank you for the continued coordination that the SHPO has provided throughout the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study. Project staff will be in contact with your office to schedule a consultation meeting and discuss the agenda.

If you have any further questions or would like additional information prior to the consultation meeting, please contact Ms. Cathy Kendall at (850) 942-9650 extension 3012, or Mr. George Hadley at extension 3011.

Sincerely,

/s/Cathy Kendall  
For: David C. Gibbs  
Acting Division Administrator

Enclosure: SHPO Letter (September 10, 2008)

cc: Ms. Marjorie Bixby, FDOT (CEMO)  
Mr. Bob Gleason, FDOT (District 5)



**USFWS CORRESPONDENCE**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

6620 Southpoint Drive, South  
Suite 310  
Jacksonville, Florida 32216-0912

IN REPLY REFER TO:

FWS Log. No. 41910-2008-I-0090

January 15, 2008

SCANNED

Mr. Bob Gleason  
District Environmental Administrator  
Florida Department of Transportation  
719 South Woodland Boulevard, MS 501  
DeLand, FL 32720

Dear Mr. Gleason:

Our office has reviewed the *Endangered Species Biological Assessment* (ESBA) and accompanying information, dated 19 November 2007 and received in this office 29 November 2007, for the proposed SR 429 (Wekiva Parkway)/SR 46 Realignment Project. The study corridor consists of a new alignment for SR 429 and the reconstruction and realignment of SR 46.

The proposed four-lane divided limited-access SR 429 new alignment would begin in Orange County at the planned terminus of the John Land Apopka Expressway (US 441 just west of CR 437). The facility would extend north/northeast into Lake County, turn east, and traverse the Wekiva River into Seminole County. The parkway would continue eastward and terminate at Interstate 4, a total distance of approximately 20.94 miles.

SR 46 reconstruction and realignment would begin at the SR 46/US 441 interchange in Lake County and proceed eastward along the existing SR 46 alignment. The roadway would then diverge on a new alignment east of Round Lake Road to the southeast into Orange County. The new alignment would terminate at the SR 429 interchange, an approximate distance of 4.79 miles.

We submit 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 Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c); and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

### ENDANGERED SPECIES ACT

The federally listed threatened or endangered species potentially occurring in the study corridor identified in the October 2007 ESBA include the West Indian (Florida) manatee (*Trichechus manatus*), Audubon's crested caracara (*Polyborus plancu audubonii*), Florida scrub-jay (*Aphelocoma coerulescens*), red-cockaded woodpecker (*Picoides borealis*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), wood stork (*Mycteria americana*), eastern indigo snake (*Drymarchon corais couperi*), and sand skink (*Neoseps reynoldsi*).

The Service concurs with the ESBA's determination that the proposed action will have no effect on the West Indian (Florida) manatee, Audubon's crested caracara, red-cockaded woodpecker, and Everglade snail kite.

As stated in the report, the preferred alternative will avoid the scrub habitat occupied by Florida scrub-jays on the Doggett, Foreman, and Stewart parcels located north of Ondich Road. The applicant also commits to surveying all scrub habitat throughout the planning, permitting, and construction phases of the project. With the avoidance of the occupied territories and continued surveying commitment, the project may affect, but is not likely to adversely affect, the Florida scrub-jay.

The project corridor lies within the 15-mile core foraging area of Mud Lake and Lake Yale wood stork colonies. Coordination with the Service, the Florida Fish and Wildlife Conservation Commission, and the St. Johns River Water Management District will continue through the final designing and permitting of this project to ensure wetland impacts by the action will be mitigated in the same basin with similar hydroperiods as those wetlands impacted. Therefore, the project may affect, but is not likely to adversely affect, the wood stork.

In regards to the eastern indigo snake, movements over large areas of fragmented habitats undoubtedly expose snakes to increased road mortality and likelihood of adverse human contact. In a recent Florida telemetry study, vehicles accounted for 40% of in-field mortality of this species. The applicant has committed to constructing four long bridge structures (SR 46 west, 1,956 feet; SR 46 east, 3,995 feet; Wekiva River, 2,140 feet; and Neighborhood Lakes, 800 feet) to increase connectivity between the Wekiva River Basin State Parks and the Seminole State Forest. In addition, the *Standard Protection Measures for the Eastern Indigo Snake* (1999) will be implemented in the construction phase of the facility and during permitted relocations of gopher tortoises (*Gopherus polyphemus*). As a result, the project may affect, but is not likely to adversely affect, the eastern indigo snake.

No sand skinks were observed during the field investigations. The applicant has committed to resurveying scrub habitat in the preferred alignment for evidence of sand skinks during the permitting phase. The project may affect, but is not likely to adversely affect, the sand skink.

Although this does not represent a biological opinion as described in section 7 of the Act, it does fulfill the requirements of the Act and no further action is required. If modifications are made to the project or additional information becomes available on listed species, re-initiation of consultation may be required.

#### **BALD AND GOLDEN EAGLE PROTECTION ACT**

No bald eagle (*Haliaeetus leucocephalus*) nests are currently reported within 1 mile of the preferred alternative. If a new bald eagle territory is established within 660 feet of the proposed activity, refer to the *National Bald Eagle Management Guidelines* (May 2007) for guidance.



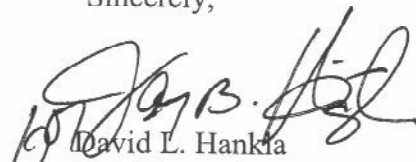
## FISH AND WILDLIFE COORDINATION ACT

The applicant did not include the *Wetland Evaluation Report* prepared for this project as part of the information package to our agency. The Service would recommend that wetlands in the project area be delineated and evaluated by using a functional assessment analysis such as the Wetland Rapid Assessment Procedure (WRAP) or the Uniform Mitigation Assessment Method (UMAM). This will aid in the mitigation proposal to ensure that the wetland functions and values of the existing communities impacted will be documented and appropriate replacement is implemented in the forms of creation, restoration, enhancement, and/or preservation to achieve the "no net wetland loss" policy.

The Service recognizes that new alignments will have large impacts to the landscape and trust resources. All opportunities to avoid and or minimize impacts and fragmentation to trust resources should be explored. The Service recommends maximizing bridge structures and reducing side slope profiles to minimize additional fill in jurisdictional wetlands, especially large systems that have little to no existing impacts. The use of mechanical stabilized earth (MSE) and end walls for drainage structures to minimize the foot print would be recommended. If impacts to wetlands are unavoidable, the Service would recommend minimizing the impacts to the greatest extent practicable and that all impacts to wetlands are mitigated. Mitigation should be in-kind utilizing a watershed management approach. Such mitigation may be accomplished on-site, within an off-site permitted mitigation bank having a service area that includes the project area, or within a regional off-site mitigation area (ROMA) within the same hydrologic basin or sub-basin as the project.

With the development and approval of a mitigation plan, coupled with the type and extent of the action, the proposed project will not significantly affect other fish and wildlife resources. If you have any questions regarding this response, please contact Mr. Todd Mecklenborg at (727) 820-3705.

Sincerely,



David L. Hankla  
Field Supervisor



## Florida Department of Transportation

CHARLIE CRIST  
GOVERNOR

719 South Woodland Boulevard  
Mail Station 501  
DeLand, FL 32720

STEPHANIE KOPELOUSOS  
SECRETARY

March 31, 2009

Mr. Todd Mecklenborg  
U. S. Fish and Wildlife Service  
St. Petersburg Ecological Services Field Office  
600 4<sup>th</sup> Street South  
St. Petersburg, FL 33701

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment  
Project Development and Environment (PD&E) Study  
Orange, Lake, and Seminole Counties, Florida  
Financial Management Nos.: 238275-1-22-01 and 240200-1-22-01  
*Florida Scrub Jay Habitat and Section 4(f) Avoidance Alternative*

Dear Mr. Mecklenborg:

On behalf of the Federal Highway Administration, in consultation with the Florida Department of Transportation and the Orlando-Orange County Expressway Authority, **we hereby request a U.S. Fish and Wildlife Service (USFWS) letter of opinion** on a matter related to potential impacts on Florida Scrub Jay habitat in Orange County. As a part of the Wekiva Parkway PD&E Study, we are conducting an evaluation required by Section 4(f) of the U.S. Department of Transportation Act of 1966 [Title 49, U.S.C. Section 303 and Title 49, U.S.C. Section 138], as amended, concerning two (2) structures which may potentially be historically significant resources. An alternative roadway alignment (known as an avoidance alternative), which would avoid direct use of (i.e., impact to) both structures and the land parcels upon which they are located, is being evaluated.

You made a site visit to the subject Florida Scrub Jay habitat area on January 16, 2007 with Ms. Rosanne Prager, CH2M HILL Environmental Scientist. After the site visit and your review of the *Endangered Species Biological Assessment* for the Wekiva Parkway, USFWS provided a concurrence letter dated January 15, 2008 (see Attachment A). That assessment, with regard to the subject Florida Scrub Jay habitat area, was for the alignment concept referred to as Alternative 1 (see Attachment B). The avoidance alternative, referred to as Alternative 2 (see Attachment C), is aligned further west and would impact an additional 24.4 acres of the subject Florida Scrub Jay habitat area. The locations of Florida Scrub Jay sightings in the habitat area are shown in Attachment D.


The USFWS concurrence letter indicates that since the Alternative 1 alignment had been shifted to the east as a "Minimizing Measure" to avoid scrub habitat occupied by Florida Scrub Jays, the project may affect, but is not likely to adversely affect, the Florida Scrub

Mr. Todd Mecklenborg  
U. S. Fish and Wildlife Service  
March 31, 2009  
Page 2

Jay. We would appreciate receiving the opinion of USFWS on the significance of the potential impact of Alternative 2 (the avoidance alternative) on the functionality of the subject Florida Scrub Jay habitat area.

If you have any questions or require further information, please contact me at (386) 943-5390 or Ms. Rosanne Prager of CH2MHILL at (352) 384-7156.

Sincerely,



Bob Gleason  
Environmental Administrator  
District Five

Copy: Mike Snyder/OOCEA  
Brian Stanger/FDOT, District 5  
Mark Callahan/CH2MHILL  
Rosanne Prager/CH2MHILL  
File: 324126 (C27)

Attachments: A – USFWS Concurrence Letter, January 15, 2008  
B – Alternative 1 Alignment Graphic  
C – Alternative 2 (Avoidance Alternative) Graphic  
D – Locations of Scrub Jay Sightings





# 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. 41910-2008-I-0090

April 24, 2009

Mr. Bob Gleason  
District Environmental Administrator  
Florida Department of Transportation  
719 South Woodland Boulevard, MS 501  
DeLand, FL 32720

**Received**

MAY 04 2009

**FDOT  
Environmental Management**

Dear Mr. Gleason:

Our office has reviewed the *Florida Scrub-jay Habitat and Section 4(f) Avoidance Alternative* dated 31 March 2009 for the proposed SR 429 (Wekiva Parkway)/SR 46 Realignment Project. The study corridor consists of a new alignment for SR 429 and the reconstruction and realignment of SR 46 in Orange, Lake, and Seminole Counties.

The correspondence from the Department requested an opinion on the potential effects a new alternative alignment would have on the Florida scrub-jay (*Aphelocoma coerulescens*). The Service concurred in January 2008 with a may affect, but is not likely to adversely affect, the Florida scrub-jay based on the commitment the preferred alternative will avoid the scrub habitat occupied by Florida scrub-jays on the Doggett, Foreman, and Stewart parcels located north of Ondich Road by shifting the highway to the east of these territories. The Department also committed to surveying all scrub habitat throughout the planning, permitting, and construction phases of the project.


The new alternative would be located west of the previous alternative, which may encroach on scrub-jay foraging opportunities. The Service has not been provided adequate details to make this determination. In addition, roadsides often provide attractive habitat for scrub-jays to hunt insects and cache acorns (Brenniger and Smith, pers. obs.). Road mortality can be significant for small populations where it may contribute to the extirpation of small local populations (Cox 1984). Often, mortality exceeds reproduction in territories located along roads, suggesting scrub-jays can not maintain stable populations where there is high speed traffic (Woolfenden and Fitzpatrick, in press). Ronald Mumme (Life and Death in the Fast Lane: Demographic Consequences of Road Mortality in the Florida Scrub-Jay, 2000) documented roadside territories therefore are sinks that can maintain populations of scrub-jays only via

immigration. Because scrub-jays do not avoid roadside habitats and may even be attracted to them, road mortality presents a difficult challenge for the management and conservation of this threatened and declining species.

The previous concurrence included the following statement: "Although this does not represent a biological opinion as described in section 7 of the Act, it does fulfill the requirements of the Act and no further action is required. If modifications are made to the project or additional information becomes available on listed species, re-initiation of consultation may be required."

If the Department selects the *Florida Scrub-jay Habitat and Section 4(f) Avoidance Alternative*, re-initiating consultation will be required because the project has been modified. If you have any questions regarding this response, please contact Mr. Todd Mecklenborg at (727) 820-3705.

Sincerely,



David L. Hankka  
Field Supervisor