

# **NATURAL RESOURCES EVALUATION**

## **ADDENDUM**

**Florida Department of Transportation  
District One**

**SR 29 Immokalee  
Project Development and Environment (PD&E) Study  
from Oil Well Road to SR 82  
Collier County, Florida**

**Financial Management Number: 417540-1-22-01  
ETDM Number: 3752**

**August 2019**

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 and executed by FHWA and FDOT.

# ***ADDENDUM***

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## ***INTRODUCTION***

The Florida Department of Transportation (FDOT) District One is conducting a Project Development and Environment (PD&E) Study, in accordance with the National Environmental Policy Act (NEPA), to assess the need for capacity and traffic operational improvements along a section of SR 29 extending 15.6 miles from Oil Well Road (southern terminus) to SR 82 (northern terminus) in unincorporated Collier County, Florida. The project proposes to widen existing two-lane undivided sections of SR 29 to four lanes, as well as add a new four-lane roadway bypassing the downtown area of Immokalee.

On July 20, 2018, the FDOT submitted a *Natural Resources Evaluation* (NRE) to the Florida Fish and Wildlife Conservation Commission (FWC), National Marine Fisheries Service (NMFS), South Florida Water Management District (SFWMD), United States Army Corps of Engineers (USACE), and United States Fish and Wildlife Service (FWS) for review and comment. The NRE was prepared to summarize the potential impacts of project alternatives to wetlands, federal and state protected species, and protected habitats and to document the natural resources analysis performed to support decisions related to the evaluation of the alternatives. Measures considered to avoid, minimize, and mitigate for potential impacts were also discussed.

On August 2, 2018, the FDOT received a comment from the FWC that noted a concern with the NRE in that the document did not identify or discuss potential impacts of the project to the FWC-managed Immokalee Airport Conservation Easement located on Immokalee Regional Airport property. While the easement was mentioned in the document within the discussion of potential impacts to the Florida scrub jay (*Aphelocoma coerulescens*), other sections of the document did not specifically identify the conservation easement within the project area and note that it could potentially be impacted by the proposed alternatives. An *NRE Addendum* (August 2018), prepared under separate cover and included in the project file, was prepared to clarify the NRE and was submitted to the same agencies listed above for review on August 9, 2018.

This second *NRE Addendum* addresses potential project impacts to the Florida scrub-jay (*Aphelocoma coerulescens*) and gopher tortoise (*Gopherus polyphemus*) resulting from the eastward shift of the Central Alternative #2 alignment through the Immokalee Regional Airport Upland Management Area (UMA), which contains the Immokalee Airport Conservation Easement. This shift resulted from comments received at the project Public Hearing held on November 15, 2018. This Preferred Alternative now traverses 5.49 acres of the UMA. This second *NRE Addendum* includes updates to **Section 1.3.3 Conservation Lands** and **Section 2.3.1 Federally-Listed and State-Listed/Protected Wildlife Species**, with updated acreages of impact to suitable habitat for the Florida scrub jay and gopher tortoise, along with revised associated figures. All updated text is underlined for easy identification. The Finding of No Significant Impact (FONSI) will include the noted revisions. All findings and conclusions of the NRE remain the same as stated in the original document and the August 2018 *NRE Addendum*.

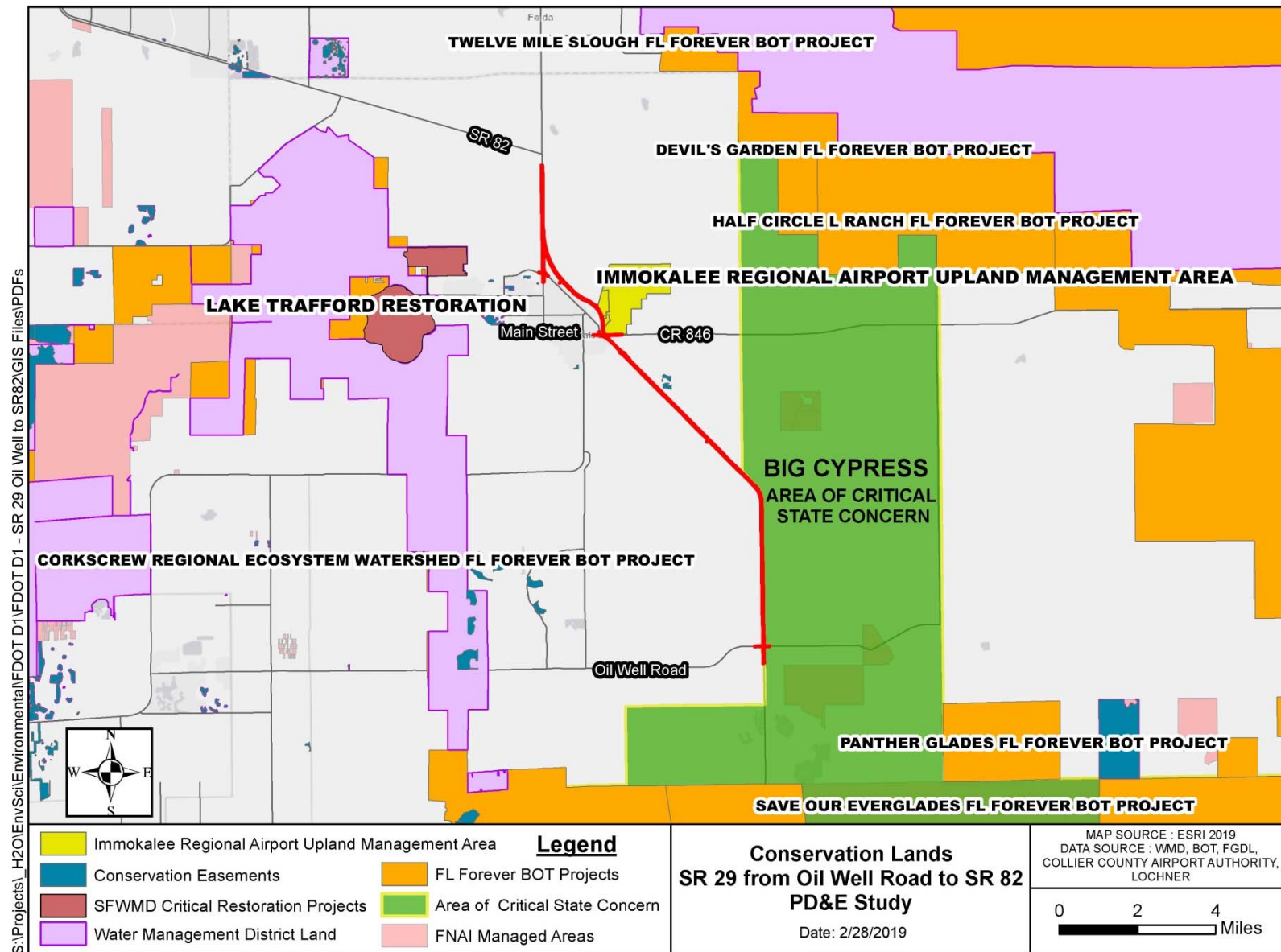
### 1.3.3 CONSERVATION LANDS

As shown in revised Figure 1-3, there are several publicly-owned lands and conservation areas located within an approximate five-mile radius of the project corridor. The Big Cypress Area of Critical State Concern borders the existing SR 29 corridor to the east. Lake Trafford Restoration Area (a SFWMD Critical Restoration Project) occurs approximately five miles west of the project study area. Additionally, several Florida Forever Board of Trustees land acquisition projects are located within an approximate five-mile radius along both sides of the Preferred Alternative.

In addition, the Immokalee Airport Conservation Easement, consisting of two parcels totaling 154.28 acres is located on Immokalee Regional Airport property (see revised Figure 1-4). In 1999, the FWC issued an Incidental Take Permit (No. COL-36) for the development activities at the Immokalee Regional Airport. The permit required that gopher tortoises (*Gopherus polyphemus*) be relocated within the property boundary in order to minimize taking. As a result, the Upland Management Area (UMA) was established along the western boundary of the airport property and placed under conservation easement to the FWC. The UMA provides gopher tortoise habitat and serves as a relocation area for gopher tortoises excavated as a result of on-site development activities. The UMA is also protected for the Florida scrub jay (*Aphelocoma coerulescens*). In 1998, the FWS issued a Biological Opinion (BO) (FWS Log No. 4-197-F-556) to the Federal Aviation Administration (FAA) that included a plan to manage and preserve the UMA for the benefit of the Florida scrub jay. This NRE addresses potential impacts to species located within the easement that will be impacted by the Build Alternatives.

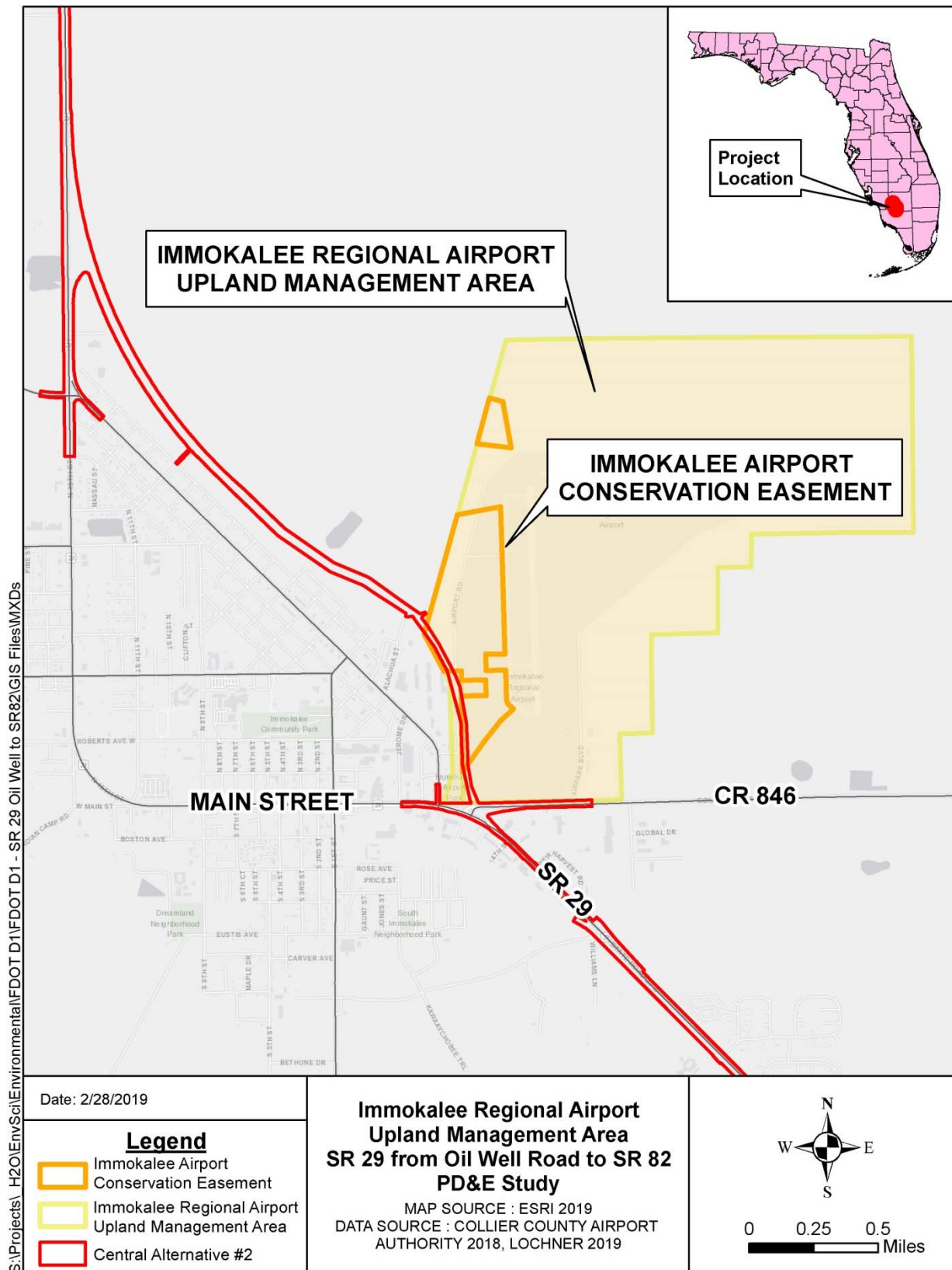
The Preferred Alternative will result in 5.49 acres of direct impact (3.6% of the total 154.28 acres) to the Immokalee Airport Conservation Easement, thereby impacting suitable habitat for the Florida scrub jay and gopher tortoise. Mitigation will be required to offset these impacts. Through coordination with the FWC, six priority parcels contiguous to the Platt Branch Wildlife and Environmental Area (WEA) in Highlands County, FL have been identified as the preferred potential site options for mitigation. FDOT will continue to coordinate with the FWC throughout the project design and construction phases and consider compensatory land acquisition targeting the six priority parcels identified by FWC to offset impacts resulting from the improvement of SR 29.

**FIGURE 1-3  
CONSERVATION LANDS**



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**FIGURE 1-4  
IMMOKALEE REGIONAL AIRPORT UPLAND MANAGEMENT AREA**



### 2.3.1 FEDERALLY-LISTED AND STATE-LISTED/PROTECTED WILDLIFE SPECIES

#### **Federally-Listed Species**

##### *Birds*

**Florida Scrub Jay (*Aphelocoma coerulescens*):** The Florida scrub jay is federally-listed as threatened primarily due to habitat loss and degradation. This species is typically found in early successional stages of xeric oak communities that are occasionally burned. Its preferred habitat consists of scrub oaks that are less than 10 feet tall with open sand and grass patches. Limited pedestrian surveys of suitable habitat located within and immediately adjacent to the Preferred Alternative were conducted by project biologists in October 2010, April 2011, and March 2018. During these surveys, recorded territorial vocalizations were broadcast along the transects; several scrub jays were also observed within suitable habitat located north of Immokalee and east of SR 29 (see revised Figure 2-1 for specific locations of scrub jay observations along the Preferred Alternative). In addition, scrub jays have been documented in the Upland Management Area (UMA) of the Immokalee Regional Airport. The UMA is managed to benefit the scrub jays present in accordance with FWS Biological Opinion (FWS Log No. 4-1-97-F-556). Further, this species has been previously documented in the project vicinity as part of a 1992-1993 FWS statewide study (Fitzpatrick 1994). For these reasons, the Florida scrub jay has been assigned a ‘high’ probability to occur within the limits of the Preferred Alternative.

Implementation of the Preferred Alternative would impact a total of 63.74 acres of suitable scrub jay habitat (35.21 acres of Type I/II and 28.53 acres of Type III). The previous Central Alternative #2 alignment impacted 64.25 acres of suitable habitat (34.77 acres of Type I/II and 29.48 acres of Type III). Per coordination with the FWS on March 20, 2018, Section 7 consultation with the FWS will be reinitiated during the project’s design and permitting phase. At this time, seasonal field surveys will be conducted within the limits of the Preferred Alternative. Based on previous observations of this species within the project study area and the potential for unavoidable impact to existing scrub jay habitat, FDOT has determined that the Preferred Alternative “May Affect, Likely to Adversely Affect” the Florida scrub jay.

#### **State-Listed Species**

##### *Reptiles*

**Gopher Tortoise (*Gopherus polyphemus*):** The gopher tortoise is state-listed as threatened due to habitat degradation and declining number of individuals. Gopher tortoises require well-drained, loose sandy soils for burrowing and low-growing herbs and grasses for food. These conditions can be found in a variety of habitats including dry prairies, pine flatwoods, and disturbed or maintained sites. Suitable habitat for these species is present within the limits of the Preferred Alternative, and several gopher tortoise burrows were observed within the project study area during field reviews. Gopher tortoise burrows were identified at the Upland Management Area (UMA) of the Immokalee Regional Airport. The Preferred Alternative would result in a total of 5.49 acres of impact to the UMA and gopher tortoise burrows located in its footprint.

For these reasons, the gopher tortoise was determined to have a ‘high’ probability of occurrence within the project study area.

Current FWC regulations require a permit for any ground disturbance activity occurring within 25 feet of a potentially occupied gopher tortoise burrow. Based on current FWC regulations, any gopher tortoises located within 25 feet of right of way under FDOT ownership/control (or where granted authorized access) must be relocated to a permitted recipient site. The Preferred Alternative will be surveyed for potential gopher tortoise utilization during the design and permitting phase. If gopher tortoises or potentially occupied burrows are found within the project area, the FDOT will coordinate with the FWC to secure all permits needed to relocate the tortoises and, if necessary, any additional listed species found to be utilizing the burrows. Therefore, FDOT has determined that implementation of the Preferred Alternative will have “*No adverse effect anticipated*” on the gopher tortoise.



**FIGURE 2-1  
EXISTING SCRUB JAY HABITAT**

