

**FORTUNE ROAD & SIMPSON ROAD
INTERSECTION IMPROVEMENT PROJECT
FDOT LAP FM# 443548-1-38-01
OSCEOLA COUNTY, FL**

PROTECTED SPECIES REPORT

VHB Project No. 63604.00

Submitted to:

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June 29, 2021

EXHIBITS

Exhibit 1: Location Map

Exhibit 2: Aerial Map

Exhibit 3: FLUCFCS Map

Exhibit 4: Protected Species Map

INTRODUCTION

The Fortune Road & Simpson Road Intersection Improvement project covers approximately 22.24 acres± of roadway corridor and future stormwater pond area. It lies within Sections 18 and 19, Township 25 South, Range 30 East, Kissimmee, Osceola County, Florida (**Exhibit 1**). The approximate center of the project is located at longitude 81.3509°W, latitude 28.3044°N. The project area is bordered by residential, commercial, and institutional land uses in all directions, with the western end of the road corridor and the proposed stormwater pond adjacent to inactive agricultural lands. The project area currently consists of road right-of-way (ROW) and inactive agricultural lands (**Exhibit 2**). The proposed project includes additional lanes, and safety modifications to turn lanes and intersection approach alignments. It also includes the piping of existing roadside swales and the excavation of a stormwater pond. These proposed improvements were permitted by the South Florida Water Management District on June 25, 2021 under Permit #49-104988-P. As there are no federally-jurisdictional wetlands or surface waters onsite, no federal impact permits are required. Federal-aid funding is provided through Florida Department of Transportation's (FDOT) Local Agency Program (LAP). The following report describes the habitats found on site, the potential utilization of the site by protected species, and the project's potential effect on protected species.

EXISTING ECOLOGICAL CONDITIONS

Land Use

Vegetative and land use cover types were classified and mapped using the FDOT Land Use, Cover and Forms Classification System (FLUCFCS), January 1999 (**Exhibit 3**). This exhibit also lists the corresponding Florida Natural Areas Inventory's (FNAI) natural communities and altered landcover classifications. There are two (2) FLUCFCS classifications identified within the project area. A description of each classification type is provided below.

FLUCFCS 261 – Fallow Crop Land (3.60 acres)

Based on historical aerial research, the proposed stormwater pond area was planted with rows of citrus trees up until around 2010. It was subsequently cleared and mowed until around 2015, after which it was allowed to become overgrown with trees, shrubs and vines. This upland area is now dominated by young cabbage palms (*Sabal palmetto*), oak trees (*Quercus* spp.), wax myrtle (*Morella cerifera*), and Brazilian pepper (*Schinus terebinthifolia*). In the more open areas, the groundcover is dominated by

Caesarweed (*Urena lobata*), blackberry (*Rubus* sp.), and the invasive praxelis (*Praxelis clematidea*).

FLUCFCS 814 – Roads and Highways (18.64 acres)

This land use includes the roads, shoulders, and sidewalks associated with the Fortune Road and Simpson Road rights-of-way. These rights-of-way also include the associated permitted roadside drainage swales of varying depths and hydrologic conditions. The drier swales are dominated by Bahiagrass (*Paspalum notatum*), while the wetter swales and ditches are dominated by torpedograss (*Panicum repens*), flatsedges (*Cyperus* spp.), foxtail (*Setaria* sp.), pennywort (*Hydrocotyle umbellata*), creeping primrose willow (*Ludwigia repens*), and alligatorweed (*Alternanthera philoxeroides*).

Protected Wildlife and Plant Species

Site assessments were conducted on the project area by VHB scientists on July 17, 2020 and January 14, 2021. The intent of the assessments was to record any observations of protected species as well as to assess the onsite habitats for potential utilization by protected species. No evidence of protected wildlife species was detected onsite during the site assessments and due to the highly developed and disturbed nature of the project area, none are expected to occur. A review of publicly-available databases was also conducted to determine the potential for the occurrence of protected species listed by the Florida Fish and Wildlife Conservation Commission (FWC) or the US Fish and Wildlife Service (USFWS). **Exhibit 4** depicts publicly available GIS data for several protected species in this region and includes consultation areas and core foraging habitat as outlined by the regulatory agencies. The following paragraphs describe protected species typically found within this region and their potential to occur onsite.

Audubon's Crested Caracara (*Caracara cheriway audubonii*) is listed as Threatened by the FWC and USFWS. The proposed project area does fall within the caracara consultation area for this species, but no caracaras were observed during the site assessments. Suitable habitat for caracara typically includes open fields and pastures for foraging, and mature isolated cabbage palms for nesting. Although the project is adjacent to, and the proposed pond falls within fallow agricultural areas, the fields are overgrown with high herbaceous vegetation and there are no isolated mature cabbage palms. Therefore, this site does not include suitable foraging or nesting habitat and the project should have **no effect** on this species.

The Everglade snail kite (*Rostrhamus sociabilis plumbeus*) is listed as Endangered by the USFWS and the project falls within the consultation area for this species. Snail kites are primarily found in lowland freshwater marshes and the shallow vegetated edges of lakes (natural and man-made) where they feed almost entirely on apple snails (*Pomacea* sp.). Freshwater marshes and shallow vegetated lakes are not present within or adjacent to the project area. There is significant buffer distance between the proposed project corridor and any potential suitable habitat areas (e.g. Lake Tohopekaliga or East Lake Tohopekaliga). Therefore, this project will have **no effect** on the Everglade snail kite.

The bald eagle (*Haliaeetus leucocephalus*) is protected through the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Onsite and adjacent areas were visually scanned for the presence of bald eagle nest trees and no eagle nests were observed. In addition, the FWC Eagle Nest Locator and the Audubon Florida EagleWatch Nest databases of known southern bald eagle nests were reviewed to determine the closest active bald eagle nest to the project area. According to these databases, the closest active bald eagle nest, OS917, is located over 1 mile northeast of the project area. The USFWS indicates that all projects greater than 660 feet from a bald eagle nest tree do not need USFWS review. Therefore, there will be **no effect** on this species by the development of this project and no further action would be required unless a new nest is constructed within 660 feet of the project area.

According to (FWC) data, no wading bird rookeries are located within or immediately adjacent to the project area. The closest recorded location of a wading bird colony (#612135) is mapped over 6.0 miles southeast of the project area, on the opposite side of East Lake Tohopekaliga. This rookery was recorded as "Inactive" during the 1990's survey. A great blue heron (*Ardea herodias*) was observed in one of the deeper roadside swales, but no wading bird nests, or nesting activity, were observed during the field assessment. Wading birds may utilize the roadside swales and adjacent stormwater ponds intermittently for foraging, but with the new pond proposed, there is **no effect anticipated** to wading birds.

The wood stork (*Mycteria americana*) is state and federally protected as Threatened and consultation with the USFWS is required for any proposed work that impacts wood stork core foraging habitat (shallow wetlands and surface waters). The project area is located within wood stork Core Foraging Areas (CFA), which, for the central region, extend 15 miles from each known rookery. The closest known wood stork rookery, the Gatorland rookery, is located approximately 4.5 miles northwest of the project area. No wood storks were detected on or adjacent to the project area during the field

assessments. According to the South Florida region USFWS Wood Stork Effect Determination Key, established May 2010, the following sequential determination was reached: A (Project more than 0.47 mile from a colony) > B (Project impacts greater than half-acre of suitable foraging habitat) > C (Project impacts to suitable foraging habitat are within core foraging area) > E (Project provides suitable foraging habitat compensation in accordance with guidelines) = not likely to adversely affect. Suitable foraging habitat within a CFA that is impacted by development requires replacement or compensatory mitigation. Impacts to the suitable foraging habitat within the wet swales will be replaced with the construction of the proposed stormwater pond. Therefore, this project is **Not Likely to Adversely Affect** the wood stork.

The Florida scrub jay (*Aphelocoma coerulescens*) is listed as Threatened by both USFWS and FWC. The project area is located within the scrub jay consultation area. However, no open, sandy xeric areas or scrub oak habitats are found onsite. Therefore, it is unlikely that scrub-jays utilize this area and the project will have **no effect** on the Florida scrub jay.

The Florida grasshopper sparrow (*Ammodramus savannarum floridanus*) is listed as Endangered by both the USFWS and FWC. This species requires large areas of frequently-burned dry prairie habitat, with patchy open areas sufficient for foraging. The project site falls within the northern region of the Florida grasshopper sparrow consultation area. However, the project site does not include suitable habitat for the grasshopper sparrow. Therefore, this project will have **no effect** on the Florida grasshopper sparrow.

The project area is located within the designated sand skink (*Neoseps reynoldsi*) consultation area. Sand skinks are listed as Threatened by the USFWS and occur in well-drained sandy soils at elevations above 82 feet. This project area does not include suitable sand skink soils and other than the paved northern segment of Simpson Road, the elevations are below 82 feet. Therefore, with all the surrounding development and roadways, it is unlikely that sand skinks utilize this area and the project should have **no effect** on this species.

The gopher tortoise (*Gopherus polyphemus*) is listed as Threatened by the FWC, but not listed by the USFWS. No gopher tortoise burrows were observed during the field assessments. The likelihood of gopher tortoises inhabiting this project site is low due to the sub-optimal onsite habitats, surrounding roads and housing developments. However, if gopher tortoises are found onsite in the future, the appropriate permits will be obtained from the FWC to relocate the tortoises to an approved offsite recipient

area. As no gopher tortoise burrows were found (or as long as FWC guidelines are followed for potential burrows found in the future), there will be **no effect anticipated** to gopher tortoises.

The Eastern Indigo snake (*Drymarchon corais couperi*) is listed as Threatened by the FWC and USFWS. No indigo snakes were detected during the site visits. Suitable habitat does not exist onsite and no gopher tortoise burrows were observed. The Standard Protection Measures for the Eastern Indigo Snake (revised August 2013) will be followed during construction activities. Therefore, when applying the USFWS's Eastern Indigo Snake Consultation Key (revised August 1, 2017), the following sequential determination was reached: A (Project is not located in open water or salt marsh) > B (Project will use the *Standard Protection Measures for the Eastern Indigo Snake*) > C (Project will impact less than 25 ac of indigo snake habitat) > D (There are no gopher tortoise burrows, holes, cavities, or other refugia where a snake could be buried or trapped and injured during project activities) = not likely to adversely affect. As the project corridor will not impact any xeric habitat and there are no tortoise burrows, the project is **Not Likely to Adversely Affect** the eastern indigo snake and no further action should be required.

No state or federally-protected plant species were observed during the site assessments. There are no restrictions to the landowner due to the presence of any listed plant species unless sale of the plants is involved. Based on the field assessment and the level of disturbance on the site, no listed plant species are expected to occur.

SUMMARY

This report describes the habitats found on site, the potential utilization of the site by protected species, and the project's potential effect on protected species. No protected species were found on or adjacent to the project area during any of the field visits. Based on the disturbed habitats and land uses found onsite, the lack of protected species utilization, and the nature of the proposed project improvements, this project is not likely to adversely affect the wood stork or Eastern indigo snake, and should have no effect or no affect anticipated on any remaining potential protected species.

EXHIBIT 1
LOCATION MAP

 Project Limits (22.24 ac)



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



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Fortune Rd & Simpson Rd Intersection Osceola County, FL

Exhibit 1

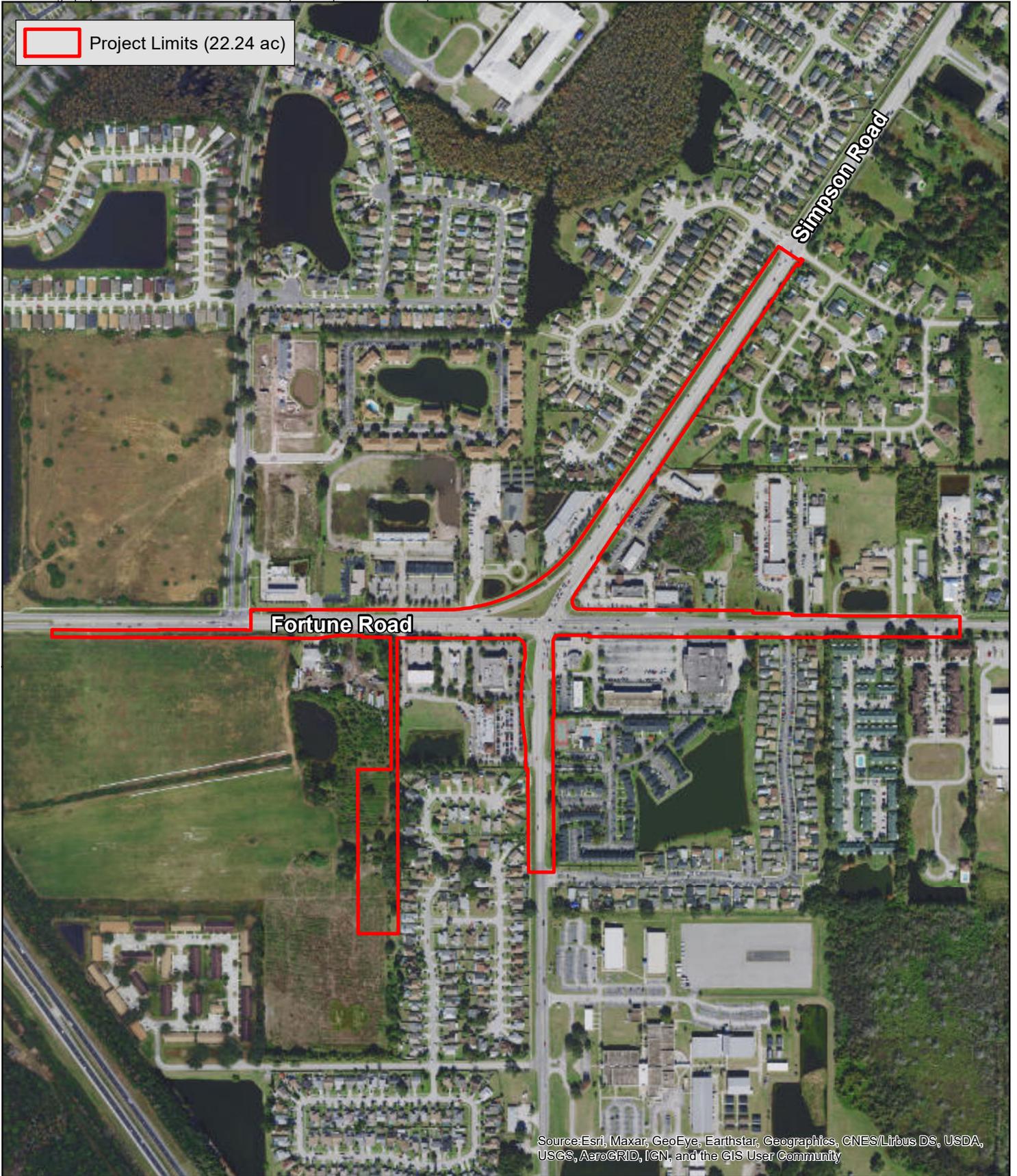
Location Map

June 2021



EXHIBIT 2
AERIAL MAP

 Project Limits (22.24 ac)



Source: Esri, Maxar, GeoEye, Earthstar, Geographics, CNES/Lirbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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Exhibit 2

Aerial Map

June 2021

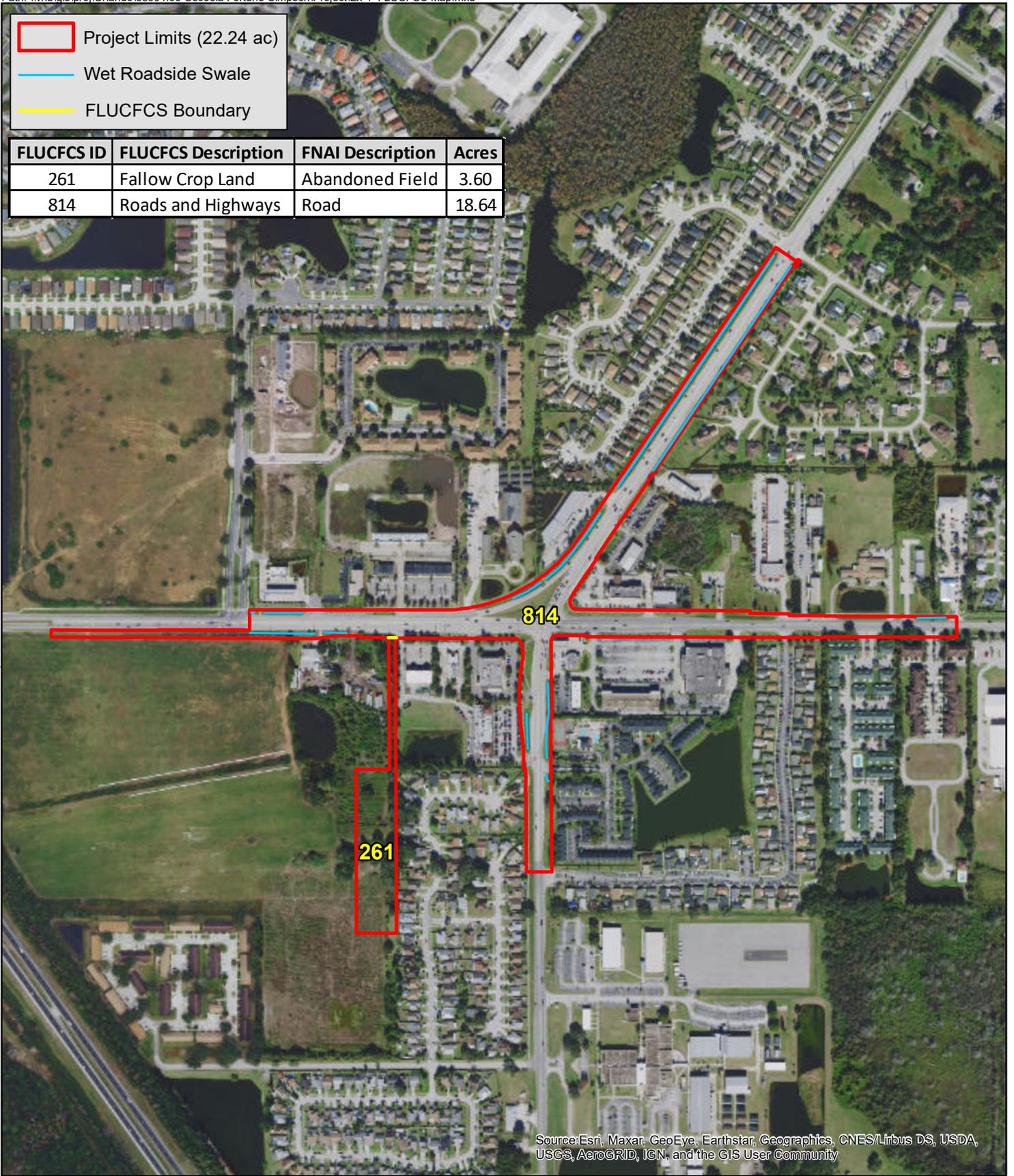
0 300 600
Feet



EXHIBIT 3
FLUCFCS MAP

- Project Limits (22.24 ac)
- Wet Roadside Swale
- FLUCFCS Boundary

FLUCFCS ID	FLUCFCS Description	FNAI Description	Acres
261	Fallow Crop Land	Abandoned Field	3.60
814	Roads and Highways	Road	18.64



Source: Esri, Maxar, GeoEye, Earthstar, Geographics, CNES/Lirbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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Exhibit 3

FLUCFCS Map

June 2021



EXHIBIT 4
PROTECTED SPECIES MAP

 Project Limits (22.24 ac)

 Bald Eagle Nest

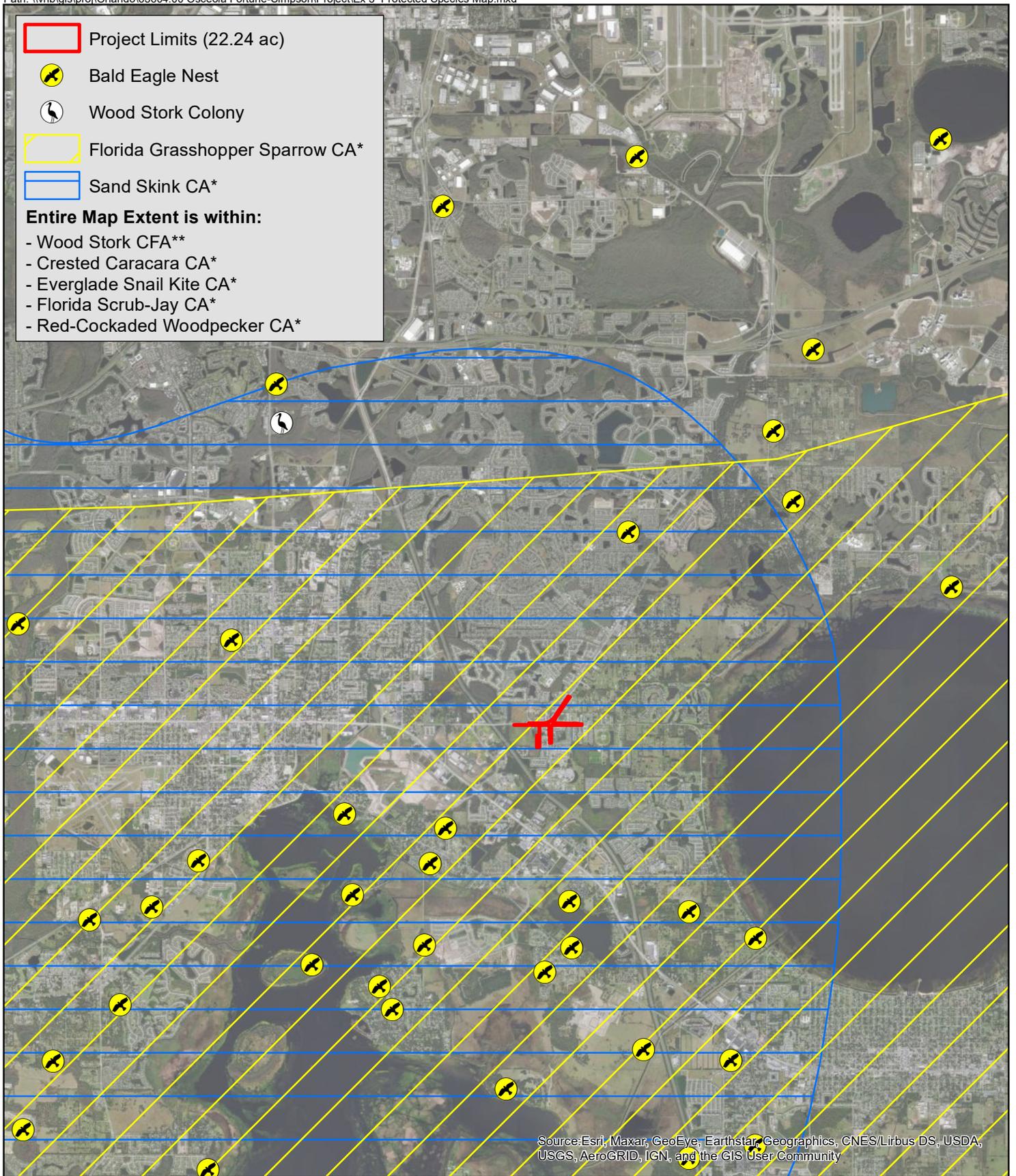
 Wood Stork Colony

 Florida Grasshopper Sparrow CA*

 Sand Skink CA*

Entire Map Extent is within:

- Wood Stork CFA**
- Crested Caracara CA*
- Everglade Snail Kite CA*
- Florida Scrub-Jay CA*
- Red-Cockaded Woodpecker CA*



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Osceola County, FL

Exhibit 4

Protected Species Map

June 2021



Data Source: FWC and USFWS GIS Data.

Note: * USFWS Consultation Area (CA), ** Core Foraging Area (CFA).