



To: Seminole County Public Works

Date: April 25, 2022

Memorandum

Project #: 63786.01

From: Shannon Ruby Julien

Re: Protected Species Memo – Forest Brook Drainage Phase I

On April 19, 2022, VHB conducted an ecological and protected species survey on approximately 2.44+/- acres of land associated with Brookside Road and Brookside Court in Seminole County, FL (**Exhibit 1**) known as Forest Brook Drainage Phase I (Project). The project boundary consists of existing road right-of-way (ROW) and a drainage output that is surrounded by developed land. This memorandum is being prepared to provide an overview of the field findings with respect to the potential for threatened and endangered species to occur onsite.

- Wetland limits were delineated and includes approximately 0.60 acre of wetland scrub that is dominated by elderberry (*Sambucus nigra*), willow (*Salix caroliniana*), Chinese tallow (*Triadica sebifera*), Boston fern (*Nephrolepis exaltata*), muscadine (*Vitis rotundifolia*), air potato (*Dioscorea bulbifera*), and Virginia creeper (*Parthenocissus quinquefolia*). Other scattered species included red maple (*Acer rubrum*), Guinea grass (*Megathyrsus maximus*), Caesarweed (*Urena lobata*), giant taro (*Alocasia macrorrhizos*), primrose willow (*Ludwigia peruviana*), and swamp fern (*Campyloneurum angustifolium*). The wetland is heavily overgrown and consists of dense thickets of shrubs and other woody debris. The wetland lies on the edge of the existing ROW and is fed by a stormwater drain.
- The wood stork (*Mycteria americana*) is state and federally protected as Threatened and consultation with the US Fish and Wildlife Service (USFWS) is required for any proposed work that impacts wood stork core foraging habitat (primarily shallow, non-forested wetlands and surface waters). The closest known nesting area is approximately 8.42 miles to the southwest and the Project is located within the designated Core Foraging Area (CFA) for this species. However, no associated nests were detected on or adjacent to the project boundary. While there is a wetland within the project boundary, the wetland is overgrown and does not consist of any suitable foraging habitat. Based on the density of residential development and lack of suitable foraging habitat, the Project will have **no effect** on the wood stork.
- The Eastern indigo snake (*Drymarchon corais couperi*) is listed as Threatened by the USFWS. Indigo snakes prefer xeric habitats, utilizing gopher tortoise burrows, and other cavities for refuge. No indigo snakes were observed during the site visit, and none are expected to occur due to the dense development in the area, the lack of xeric habitat, and the absence of gopher tortoise burrows. Impacts to this species are not anticipated. The project contactor will utilize and follow the USFWS's Standard Protection Measures for the Eastern Indigo Snake to ensure the Project complies with federal guidelines and results in a **may affect, not likely to adversely affect** determination.
- No federally protected species were observed; however, the Project is within the consultation area for the Everglade snail kite (*Rostrhamus sociabilis plumbeus*) and Florida scrub jay (*Aphelocoma coerulescens*). Based on the fact that there is no suitable habitat, this Project will have **no effect** on these species, and additional consultation with USFWS is not warranted.
- The gopher tortoise (*Gopherus polyphemus*) is listed as Threatened by the Florida Fish and Wildlife Conservation Commission (FWC) and is a candidate species for listing by USFWS. A 100% survey was completed and no gopher tortoises or their burrows were observed during the site visit. Due to the developed




225 E. Robinson Street, Suite 300
Landmark Center Two
Orlando, FL 32801-4326
P 407.839.4006

nature of the site and adjacent properties, there is no suitable habitat for the gopher tortoise and there is **no affect anticipated** for this species. Given that gopher tortoise surveys are valid for 90 days, it is recommended that an additional survey be conducted 90 days prior to the commencement of construction activities to ensure that the site is still void of tortoises and/or their burrows.

- According to the Florida Fish and Wildlife Conservation Commission (FWC) data, no wading bird rookeries are located within or immediately adjacent to the Project. The nearest wading bird rookery is located 5.70 miles to the north. Due to the density of surrounding development and the limited foraging habitat, the Project **may affect but is not likely to adversely affect** wading bird colonies or breeding bird areas.
- The bald eagle (*Haliaeetus leucocephalus*) is protected under the Federal Bald and Golden Eagle Protection Act. No bald eagles or their nests were observed on or adjacent to the project area. The Audubon Center for Birds of Prey EagleWatch Program database of known southern bald eagle nests was reviewed to determine if any active bald eagle nests are mapped within the vicinity of the Project. According to this database, the closest known nest (OR111) is located approximately 0.58 miles to the east and was last reported active during the 2021 season. Given that the distance is greater than the 660-foot management zone regulated by the USFWS, there is no need for USFWS consultation or review as the Project will have **no effect** on bald eagles.
- The Florida black bear (*Ursus americanus floridanus*) has been de-listed from Florida's imperiled species list, though it still receives protection under the state's Florida Black Bear Conservation Rule; 68A- 4.009, F.A.C. This rule protects bears from intentional "take", which includes pursuing, hunting, molesting, capturing, or killing, or attempting those actions, whether such actions result in possession of the bear. Nuisance black bear data reported in 2021 shows bear activity in proximity to the Project (see **Exhibit 1**). There are no FWC established black bear best management practices for construction sites, but recommendations include temporarily halting construction until the bear has left the area and providing regular gaps in safety fences or other barriers to travel. Daily removal of trash from the site is also recommended. Intentional "take" should not occur as a result of the Project given the nature of the Project and existing development in the area. As such, there is **no affect anticipated** to the Florida black bear and no consultation with FWC is required.
- There were no state or federally protected plant species observed at the site.

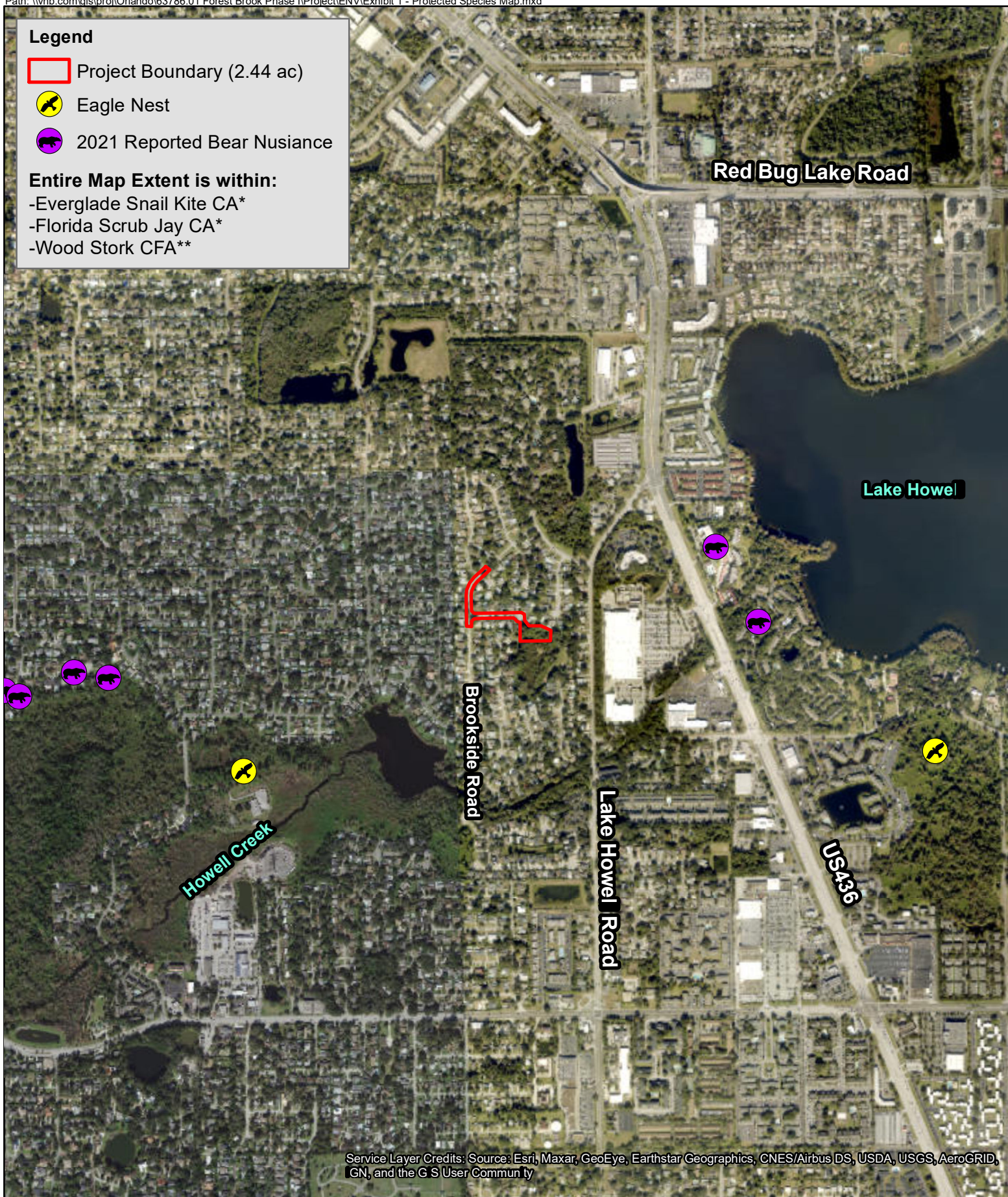
The Project is located in a highly developed area containing residential land uses. No state or federally protected flora or fauna were observed within or adjacent to the site. Due to the developed nature of the site and adjacent properties, and the lack of suitable habitat for protected species; no impacts to protected species are anticipated. An additional gopher tortoise survey is recommended prior to construction, if more than 90 days have passed since the original survey (April 19, 2022), to ensure that no tortoises or burrows will be impacted. Finally, the USFWS's Standard Protection Measures for the Eastern Indigo Snake should be followed during construction to avoid the need for additional consultation.

Legend

-  Project Boundary (2.44 ac)
-  Eagle Nest
-  2021 Reported Bear Nuisance

Entire Map Extent is within:

- Everglade Snail Kite CA*
- Florida Scrub Jay CA*
- Wood Stork CFA**



225 East Robinson Street, Suite 300
Orlando, Florida 32801 | 407.839.4006

*USFWS Consultation Area

**USFWS Core Foraging Area

Source: Audubon's EagleWatch and FWC Bear Nuisance Report

Forest Brook Drainage
Seminole County, FL

Regionally Protected Species Map
April 2022

0 600 1,200 Feet



Exhibit 1