



United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960



November 21, 2006

Colonel Paul L. Grosskruger
District Commander
U.S. Army Corps of Engineers
701 San Marco Boulevard, Room 372
Jacksonville, Florida 32207-8175

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JACKSONVILLE DISTRICT
USACE

Service Federal Activity Code: 41420-2007-FA-0201

Date Received: May 5, 2006

Formal Consultation Initiation Date: September 19, 2006

Project: Captiva Shore Emergency
Sand Replacement

Applicant: Captiva Erosion Prevention District

County: Lee

Dear Colonel Grosskruger:

The Fish and Wildlife Service (Service) has reviewed the May 5, 2006, request from the U.S. Army Corps of Engineers (Corps) to amend the Service's March 4, 2005, Biological Opinion (Service Log Number 4-1-04-F-9180) concerning the Captiva Shore Protection Project. This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

The project outlined in the Service's March 4, 2005, Biological Opinion involved placement of 1.4 million cubic yards (cy) of beach compatible material along 4.8 miles of Captiva Island between Florida Department of Environmental Protection monument R-83 and R-109, and 200,000 cy of material along 1.2 miles of Sanibel Island between monument R-110 and R-118. This beach nourishment project, which was completed in March 2006, was in response to damage incurred by Hurricanes Charlie and Ivan in 2004.

In August 2005, Hurricane Wilma caused severe beach erosion, resulting in a loss of approximately 80,000 cy of material along Captiva Island. Due to the nature of this incident, Federal emergency funds were made available to Lee County to assist in replacing lost fill material. The Applicant proposes to modify the project outlined in the Service's March 4, 2005,

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Biological Opinion to include placement of 35,200 cy and 44,800 cy of material between monument R-98 and R-100, and monument R-107 and R-109, respectively, along approximately 0.76 mile of shoreline on Captiva Island. The footprint of the proposed project would be within, and smaller than that previously constructed.

The Service's March 4, 2005, Biological Opinion concerning this project provided an incidental take statement for the threatened loggerhead sea turtle (*Caretta caretta*), endangered green sea turtle (*Chelonia mydas*), and the endangered leatherback sea turtle (*Dermochelys coriacea*). Because the Corps agreed to incorporate the Standard Manatee Protection Measures into their permit, the Service concurred that the endangered West Indian manatee (*Trichechus manatus*) would not be adversely affected by the proposed project. In addition, because the Applicant agreed to implement an approved shorebird monitoring and protection plan, the Service concurred that the threatened piping plover (*Charadrius melodus*) would not be adversely affected by the proposed project. Similarly, the Service concurred with the Corps' determination that the proposed project would not adversely affect the bald eagle (*Haliaeetus leucocephalus*) due to the distance from the nest and the action area, and because some activities would not take place during the first 12 weeks of the nesting season when nest abandonment, due to disturbance, is most likely to occur.

In consideration of your request, the Service has reviewed our March 4, 2005, Biological Opinion, sea turtle nesting data for the project area, and considered the cumulative effects of the project. Based on our review, the Service believes that the proposed modification will not significantly change the effects of the project or the amount of incidental take anticipated. Therefore, the Service amends the biological opinion as requested. With the exception of the area to be impacted as referenced above, all parts of the March 4, 2005, Biological Opinion for this project remains as written.

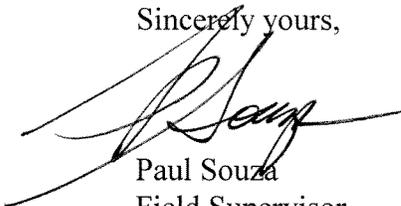
This concludes formal consultation on the action outlined in the request. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Colonel Grosskruger

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If you have any questions regarding this amended biological opinion, please contact Jeff Howe at 772-562-3909, extension 283.

Sincerely yours,



Paul Souza
Field Supervisor
South Florida Ecological Services Office

cc:

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