

APPENDIX C - PERTINENT CORRESPONDENCE

Planning Division
Environmental Branch

NOV 15 1989

Mr. Charles A. Oravetz
Chief, Protected Resources Division
National Marine Fisheries Service
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702

Dear Mr. Oravetz:

In accordance with the provisions of Section 7 of the Endangered Species Act, as amended, the following information is provided concerning the study for the Manatee Harbor Phase II Dredging Project at Port Manatee, Manatee County, Florida.

The U.S. Army Corps of Engineers (Corps), Jacksonville District is currently preparing an Environmental Assessment (EA) for Post Authorization Changes to modify the Federally authorized navigation project. The Phase II Dredging Project consists of expanding and relocating the vessel turning basin, enlarging the channel wideners at the entrance of Port Manatee Channel, and expanding the berthing areas. Approximately 2,600,000 cubic yards of material (sand and rock) are proposed to be hydraulically dredged from Federal and port-maintained harbor areas and pumped to an existing 93-acre upland disposal site. It is yet to be determined if blasting will be required for removal of rock material. However, if blasting is required, the Corps will abide by the manatee protection measures for blasting set forth by the U.S. Fish and Wildlife Service to prevent injury to manatees and sea turtles.

The species in the project area under your jurisdiction are: green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), blue whale (*Balaenoptera musculus*), finback whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), sei whale (*Balaenoptera borealis*), sperm whale (*Physeter macrocephalus*), and gulf sturgeon (*Acipenser oxyrinchus desotoi*).

Since all construction activities will occur in shallow water not frequented by whales, the project is not expected to have any effect on whales. The gulf sturgeon is essentially confined to the Gulf of Mexico river systems north of the Tampa Bay area; therefore, this species should not be affected by project activities. Sea turtles annually nest on beaches north and south of Tampa Bay. It is possible sea turtles moving along the coast could enter Tampa Bay during the spring through fall nesting season.

No information has been found to indicate a past history of negative impacts to the above species as a result of previous dredging and disposal activities in the project area. Construction activities will be kept under surveillance, management, and control to minimize interference with, disturbance of, or damage to fish and wildlife resources. Prior to commencement of construction the contractor will instruct all personnel associated with the project that endangered species could be in the area, the need to avoid collisions with them, and the civil and criminal penalties for harming, harassing or killing them.

Because of the nature of the work, and the precautions that will be taken to avoid adverse impacts, the Corps has determined that the proposed activities will have no effect on listed species under National Marine Fisheries Service jurisdiction. We request your concurrence with our determination.

Sincerely,

James C. Duck
Chief, Planning Division

Enclosures

JA Haberer/CESAJ-PD-ER/*als* 11/10/99
AK Dugger/CESAJ-PD-ER
JMS Smith/CESAJ-PD-E
CR Rodriguez/CESAJ-DP-B
JD Duck/CESAJ-PD

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5312; FAX (727) 570-5517

DEC 22 1999

F/SER3:EGH

Mr. James C. Duck
Chief, Planning Division
Army Corps of Engineer, Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Mr. Duck:

This responds to your November 15, 1999 letter with reference to the proposed U.S. Army Corps of Engineers (USACE) Manatee Harbor Phase II Dredging Project at Port Manatee, Manatee County, Florida. The Phase II project consists of expanding and relocating the vessel turning basin, enlarging the channel wideners at the entrance of Port Manatee channel, and expanding the berthing areas. Approximately 2,600,000 cubic yards of material (sand and rock) are proposed to be hydraulically dredged from federal and port-maintained harbor areas and pumped to an existing 93-acre upland disposal site.

We agree with your determination that the project is unlikely to have adverse effects on Gulf sturgeon, because they are rarely found in Tampa Bay, nor on whales because they are not expected to occur in the Bay. However, the potential exists for take of sea turtles by hopper dredging or by explosives used to excavate navigation channels. The Corps has stated that if blasting is required, the Corps will abide by the manatee protection measures for manatees set forth by the U.S. Fish and Wildlife Service to prevent injury to manatees and sea turtles. Those measures satisfy our concerns over the potential use of explosives. Nevertheless, the potential for take of sea turtles by hopper dredges is well documented. Hopper dredges routinely take sea turtles during maintenance dredging activities in federal navigation channels on the Atlantic Seaboard and the Gulf of Mexico. However, if hopper dredges (excepting the smaller hopper dredges of the USACE Dredge CURRITUCK size class) are *not* used and dredging is to be performed by hydraulic dredges (e.g., dustpan, sidecast, pipeline, pipeline cutterhead, et cetera) as indicated in your letter, we can concur with your determination that the proposed activities will not adversely affect listed species under National Marine Fisheries Service (NMFS) jurisdiction.

This concludes consultation responsibilities under Section 7 of the ESA. Consultation should be reinitiated if new information reveals impacts of the identified activity that may affect listed species or their critical habitat, a new species is listed, the identified activity is subsequently modified or critical habitat determined that may be affected by the identified activity. Please

contact our Habitat Conservation Division at 850/234-5061 for information, recommendations and guidelines and on how the Corps can avoid/minimize potential adverse impacts of the project on NMFS trust resources and essential fish habitat, including sea grasses.

We appreciate the opportunity to comment on this project and work with the USACE to ensure the protection of threatened and endangered species under NMFS purview, and to help the USACE fulfill its mandate under the Endangered Species Act. Please contact Mr. Eric Hawk at 727/570-5312 if you have any questions or if we may be of assistance.

Sincerely,

Charles A. Oran

for William T. Hogarth, Ph.D.
Regional Administrator

cc: F/SER4 - A. Mager
F/PR3

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Planning Division
Environmental Branch

NOV 22 1999

Mr. Dave Hankla
U.S. Fish and Wildlife Service
Jacksonville Field Office
6620 Southpoint Drive, Suite 310
Jacksonville, FL 32216-0912

Dear Mr. Hankla:

In accordance with the provisions of Section 7 of the Endangered Species Act, as amended, the following information is provided concerning the study for the Manatee Harbor Phase II Dredging Project at Port Manatee, Manatee County, Florida.

The U.S. Army Corps of Engineers (Corps) is currently preparing an Environmental Assessment (EA) for Post Authorization Changes to modify the Federally authorized navigation project. The Phase II Dredging Project consists of expanding and relocating the vessel turning basin, enlarging the channel wideners at the entrance of Port Manatee Channel, and expanding the berthing areas. Approximately 2,600,000 cubic yards of material (sand and rock) are proposed to be hydraulically dredged from Federal and port-maintained harbor areas and pumped to an existing 93-acre upland disposal site. It is yet to be determined if blasting will be required for removal of rock material. However, if blasting is required, the Corps will abide by the manatee protection measures for blasting set forth by the U.S. Fish and Wildlife Service (FWS) to prevent injury to manatees and sea turtles.

The species in the project area under your jurisdiction that may be affected would be the West Indian manatee (*Trichechus manatus*) and the gulf sturgeon (*Acipenser oxyrinchus desotoi*). The gulf sturgeon is essentially confined to the Gulf of Mexico river systems north of Tampa Bay; therefore, this species should not be affected by project activities. The manatee is a year round resident in Tampa Bay. Aerial surveys from 1991 to 1996 reveal that between 94-136 manatees use Tampa Bay as a winter refuge. This number does not significantly increase or decrease during the non-winter months. In order to protect the manatee

during construction and maintenance activities, standard manatee protection conditions would be required of all contractors.

No information has been found to indicate a past history of negative impacts to the above species as a result of previous dredging and disposal activities in the project area. Construction activities will be kept under surveillance, management, and control to minimize interference with, disturbance of, or damage to fish and wildlife resources. Prior to commencement of construction the contractor will instruct all personnel associated with the project that endangered species could be in the area, the need to avoid collisions with them, and the civil and criminal penalties for harming, harassing or killing them.

Because of the nature of the work, and the precautions that will be taken to avoid adverse impacts, the Corps has determined that the proposed activities will have no effect on listed species under the FWS jurisdiction. We request your concurrence with our determination.

Sincerely,

James C. Duck
Chief, Planning Division

Enclosures

[Handwritten initials] Haberer/CESAJ-PD-ER/1701/ *[initials]* 11/18/99
[Handwritten initials] Dugger/CESAJ-PD-ER
[Handwritten initials] Smith/CESAJ-PD-E
[Handwritten initials] Rodriguez/CESAJ-DP-B
[Handwritten initials] Duck/CESAJ-PD

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Planning Division
Environmental Branch

JUN 21 2000

Mr. Dave Hankla
U.S. Fish and Wildlife Service
Jacksonville Field Office
6620 Southpoint Drive, Suite 310
Jacksonville, FL 32216-0912

Dear Mr. Hankla:

This letter is in reference to the proposed Manatee Harbor Phase II dredging project located in Manatee County, Florida.

On November 22, 1999, the U.S. Army Corps of Engineers' (Corps) Planning Division submitted a letter initiating consultation in accordance with the provisions of Section 7 of the Endangered Species Act (ESA). As of this date, we have not received a written response from your office concerning this consultation. However, since that time, we were informed by your office that a Biological Opinion (BO) dated May 21, 1999 was prepared in response to a request from the Corps' Regulatory Division.

The Manatee Harbor Phase II dredging project has both a Federal and a local component. As a result, both the Corps' Planning and Regulatory Divisions are involved with the project. Although the BO was prepared as a request from our Regulatory Division, it still addresses the pertinent Federal components of the port expansion project. Therefore, it is our opinion that the existing BO would fulfill our request.

Additionally, on November 3, 1999 we submitted a Scope of Work and Cost Estimate for your office to prepare a Fish and Wildlife Coordination Act report (CAR). Per discussion between Mr. Brian Pridgeon of your office and Ms. Yvonne Haberer of my staff, the U.S. Fish and Wildlife Service has determined that the existing 1991 CAR for Manatee Harbor will be sufficient for this project.

-2-

Your written concurrence/response is requested. If you have any question or need further information, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

James C. Duck
Chief, Planning Division

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YAH
Haberer/CESAJ-PD-ER
Mugger/CESAJ-PD-ER
Smt *ED*/CESAJ-PD-E
OK Rodriguez/CESAJ-DP-B
Duck/CESAJ-PD
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
6620 Southpoint Drive South
Suite 310
Jacksonville, Florida 32216-0958

IN REPLY REFER TO:
FWS/R4/ES-JAFL

September 5, 2000

James C. Duck
Chief, Planning Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232

Dear Mr. Duck:

This is in response to your letters of June 21, 2000 and June 27, 2000, both regarding the Manatee Harbor Phase II dredging project in Manatee County, Florida. Your June 21 letter explains the Planning Division's initiation of section 7 consultation and submission of a Scope of Work and Cost Estimate for us to prepare a Fish and Wildlife Coordination Act Report (CAR) related to the above referenced project. It also points out that we prepared a Biological Opinion for this project for the Corps' Regulatory Division on May 21, 1999, and had prepared a CAR for Manatee Harbor in 1991. Mrs. Yvonne Haberer of your staff discussed the existing documents with Mr. Bryan Pridgeon of my staff and we have determined that the existing documents will adequately address our issues regarding the Port Manatee Harbor Phase II dredging project as proposed on June 21, 2000.

Your June 27, 2000, letter outlined a newly proposed upland disposal site – the Buckeye Pit. It is located east of Florida Hwy 41 on Buckeye Road, approximately 3 miles from the Manatee Harbor dredging project site. The Corps proposes to deliver dredged material to the pit via pipeline. The pipeline can be placed along existing cleared right-of-ways for its entire length. Disturbance to fish and wildlife resources would be minimal during construction and operation of the pipeline and no long term effects are anticipated.

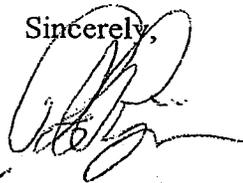
The Buckeye Mining Pit is about 110 acres overall. The section proposed for receiving the dredged material is an abandoned mining pit of about 45 acres on the north side of the tract. It is divided into two cells by a north/south road towards its western side, with the eastern pit covering about 36 acres and the western about 9 acres. Dense stands of cattail (*Typha latifolia*) are the predominant vegetation, covering 55-60% of the larger cell and 20% of the smaller. Scattered willows (*Salix*.sp.) and Brazilian pepper (*Schinus terebinthifolius*) are found on the interior levees and shorelines. Open water occupies the remainder of the site. During a site visit on July 14, 2000, a Service biologist observed anhingas (*Anhinga anhinga*), common moorhens

(*Gallinula chloropus*), sora (*Porzana carolina*) and red-winged blackbirds (*Agelaius phoeniceus*) in the pits.

The Buckeye Pit has been identified by the Agency on Bay Management's Habitat Restoration Subcommittee as a potential site for habitat restoration or a beneficial use of dredged material project and has been incorporated into the Corp's "Dredged Material Management Strategy, Tampa Bay, Florida" (USACE 2000). Survey data supplied by the Corps stated that the pit's volume is about 500,000 cubic yards. Filling the pit with that volume of material would raise the surface flush with the existing surrounding roads and eradicate the wetland within the pit, which will require mitigation for the wetland loss. Partially filling the open water areas to littoral depths that will support submerged vascular plants, controlling the cattails, and recontouring the pit to provide planting elevations for a diverse freshwater wetland community would be consistent with the identified potential for the site.

If you have any questions regarding these comments please contact Bryan Pridgeon at (727) 570-5398, extension 13.

Sincerely,



 David L. Hankla
Field Supervisor

Reference

U.S Army Corps of Engineers. 2000. Dredged material management strategy, Tampa Bay, Florida. U.S. Army Corps of Engineers, Jacksonville District.

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Planning Division
Environmental Branch

AUG 01 2000

Andreas Mager, Jr., Assistant Regional Director
National Marine Fisheries Service
Southeast Regional Office
Habitat Conservation Division
9721 Executive Center Drive North
St. Petersburg, Florida 33702

Dear Mr. Mager:

This letter initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for the Federal portion of the proposed Manatee Harbor Phase II dredging project located in Manatee County, Florida, and continues consultation for the non-Federal portion (COE permit application no. 199801210 IP-MN).

In accordance with the MSFCMA, the U.S. Army Corps of Engineers (Corps) is providing to you an Essential Fish Habitat (EFH) Assessment and our determination that the dredging project may adversely impact EFH and Federally managed fisheries. This EFH Assessment is being coordinated with your office prior to coordination of the National Environmental Policy Act (NEPA) document due to our adverse impact determination.

The dredging project has both a Federal and non-Federal component in that it covers the Federal navigation channel improvements, and the local sponsor's proposed berth expansions. Both components are generally presented together, because one would not be needed without the other. As a result, the Corps has agreed to a comprehensive mitigation plan at the local sponsor's request and because the Florida Department of Environmental Protection (DEP) has stated that they prefer one large mitigation plan as opposed to two smaller ones. Therefore, it has been our decision to address the EFH Assessment and proposed EFH mitigation in the same manner.

Enclosed you will find the EFH Assessment, and the proposed EFH mitigation plan to offset unavoidable impacts. Also enclosed is the current Seagrass Mitigation Plan and

accompanying seagrass mitigation plan sketches for the project. If additional information is needed, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

James C. Duck
Chief, Planning Division

Copy Furnished (wo/encl):

Mr. George Isiminger, Gee and Jenson, One Harvard Circle, West
Palm Beach, Florida 33409

CJA 7/28/00
Haberer/CESAJ-PD-ER/x1701/als 7/28/00
EXD
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Silver/CESAJ-RD-W 7/31/00
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**ESSENTIAL FISH HABITAT (EFH) AT THE PROPOSED DREDGING SITES
AT PORT MANATEE, MANATEE COUNTY, FLORIDA
U.S. ARMY, CORPS OF ENGINEERS PERMIT
APPLICATION # 199801210 (IP-MN)
JULY 20, 2000 SUBMITTAL**

1. Introduction and Background

The Magnuson-Stevens Fishery Conservation and Management Act, 16 USC 1801 et seq. Public Law 104-208 reflects the Secretary of Commerce and Fishery Management Council authority and responsibilities for the protection of essential fish habitat (EFH). The Act specifies that each Federal agency shall consult with the Secretary with respect to any action authorized, funded or undertaken, or proposed to be authorized, funded or undertaken, by such agency that may adversely affect any EFH.

EFH is defined in the Act as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." The definition for EFH may include habitat for an individual species or an assemblage of species, whichever is appropriate within each fishery management plan (FMP) prepared by each fishery management council.

The proposed project is within the Gulf of Mexico Fishery Management Council (GOMFMC) jurisdiction, and review of potential impacts to EFH are coordinated by the U. S. Army Corps of Engineers Jacksonville District Office as part of the Federal permitting of this project with primary review by the National Marine Fisheries Service (NMFS), Habitat Conservation Division, Southeast Regional Office, St. Petersburg, Florida. An overview of this process is provided in NMFS (1999). That document lists the EFH types for the GOMFMC FMP (GOMFMC 1998) as shown in Table 1.

Table 1. Essential fish habitats of the Gulf of Mexico.

Estuarine Areas	Estuarine Emergent Wetlands
	Mangrove Wetlands
	Seagrass
	Algal Flats
	Mud, sand, shell, and rock substrates
	Estuarine Water Column
Marine areas	Water column
	Vegetated Bottoms
	Non-vegetated Bottoms
	Live Bottoms
	Coral Reefs
	Artificial Reefs
	Geologic Features
	Continental Shelf Features
	Louisiana/Texas Shelf
	South Texas Shelf

In addition, the FMP lists five “Geographically Defined Habitat Areas of Particular Concern”:

1. Apalachicola National Estuarine Reserve
2. Dry Tortugas (Fort Jefferson National Monument)
3. Florida Keys National Marine Sanctuary
4. Florida Middle Grounds
5. Rookery Bay National Estuarine Research Reserve

Table 2 lists the EFH types known to occur in the proposed dredge areas and the acreage of each type proposed to be impacted.

Table 2. Essential Fish Habitat Impacts, Proposed Port Manatee Dredging Project

EFH Type	Type of Impact	Acreage to be Impacted
2. Estuarine Mangrove Wetlands	Filling for Berth 12 Construction	1.29 acre
	Excavation for Berth 12 Construction and Seagrass Mitigation Site 7	<1.50 acre
3. Estuarine Seagrass	Excavation and Filling for Turning Basin and Berths 4, 5, and 12 Construction	5.94 acres
	Excavation for Flushing Channels for Seagrass Mitigation, Site 7	2.23 acres
4. Mud, sand, shell substrates (unvegetated)	Deepening of Shallow Areas (< 6 ft.) of Turning Basin and Berth 12	35.97 acres
	Temporary Impacts from Deepening of Deep Areas (> 6 ft.) of Turning Basin, Berth 12 Construction and Entrance Channel Wideners	42.88 acres
5. Estuarine Rock Substrates (estuarine live bottom)	Excavation for Turning Basin	0.82 acre
6. Estuarine Water Column	Temporary Impacts during Dredging for Turning Basin, Berth 12 Construction and Entrance Channel Wideners	84.81 acres

Table 3 lists the managed fish and shell fish species listed in the Gulf of Mexico FMP known to occur within the boundaries of the proposed project area (as cited in comment letters from NMFS dated June 30, 1999 and March 16, 2000).

Table. 3. Managed fish and shellfish species known to occur within the project area.

COMMON NAME	SCIENTIFIC NAME
Pink shrimp (juvenile)	<i>Penaeus duorarum</i>
Red drum (postlarval and juvenile)	<i>Sciaenops ocellatus</i>
Gray snapper (postlarval, juvenile and adult)	<i>Lutjanus griseus</i>
Yellowtail snapper (juvenile)	<i>Ocyurus chrysurus</i>
Lane snapper (juvenile)	<i>Lutjanus synagris</i>
Bluefish (juvenile)	<i>Pomatomus saltatrix</i>
Spanish mackerel (juvenile)	<i>Scomberomorus maculatus</i>

2. Essential Fish Habitat Assessment

The proposed project would impact designated EFH (Table 2) and potentially impact managed species (Table 3). These impacts would be both temporary and permanent.

Temporary impacts would occur to 84.81 acres of estuarine water column during dredging due to temporary increases in turbidity. Such increases are not expected to be a major impact as they will be monitored and must be below the State of Florida standard, or dredging would cease until they returned to that standard. There would also be the permanent creation of 10.12 acres of new estuarine water column habitat greater than 6 feet in depth with the dredging of uplands for a portion of Berth 12.

Temporary impacts would also be expected to estuarine unvegetated mud, sand and shell substrates in water depths greater than 6 feet (42.88 acres). These habitats have been shown in previous monitoring of dredging projects in Tampa Bay to recover to their predredging benthic invertebrate community species composition and density within one year of dredging (Taylor 1973).

Permanent impacts would include the decrease in benthic algal populations and density associated with estuarine unvegetated mud, sand and shell substrates in less than 6 feet of water (35.97 acres), that are dredged to depths greater than 6 feet. Benthic invertebrate populations would likely recover to similar densities, but an altered species composition, within one year of dredging.

Additional permanent impacts would include the removal of approximately 6 acres of seagrass composed of shoalgrass (*Halodule wrightii*) and turtlegrass (*Thalassia*

testudinum), although all of this seagrass would be salvaged and moved to currently unvegetated sites where the cause of the lack of seagrass is known, has been documented, and will be nullified prior to transplanting (see Mitigation section below).

Additional permanent impacts would include excavation of approximately 1.09 acres of area which is partly mangroves to depths greater than 6 ft. for construction of Berth 12, and excavation of 0.41 acre of mangroves for construction of flushing channels for seagrass mitigation site 7.

Finally, the permanent loss of 1.29 acre of estuarine mangroves, estuarine mudflat and estuarine water column would occur with the filling of a small area of existing habitat for the bulkheading of Berth 12.

3. Proposed EFH Mitigation

The proposed mitigation for the above listed impacts to EFH from this project (detailed in Mitigation Plan (1999) and Seagrass Mitigation Plan (2000)) includes:

- a. The successful transplanting of all seagrasses in the proposed impact areas to areas currently devoid of seagrass, and for which the reason for the lack of seagrass is known, has been documented, and will be nullified prior to transplanting.
- b. The successful creation, restoration or enhancement of a total of enough seagrass habitat to generate 12.7 credits.
- c. The successful creation, restoration or enhancement of 113.12 acres of estuarine tidal marsh, mangrove and tidal creek habitat at the site of the former Little Redfish Creek through the restoration of this ecosystem.
- d. The successful creation, restoration or enhancement of 16.06 acres of estuarine salt barren, mangrove and tidal creek habitat on the Port Manatee Dredged Material Island.
- e. The successful restoration or creation of 49.34 acres of seabird, shorebird and upland passerine bird species nesting habitat on the Port Manatee Dredged Material Island.
- f. The successful creation and protection of 479.40 acres of a Manatee/Seagrass Protection Zone within existing damaged (primarily boat props) estuarine seagrass and estuarine unvegetated mud, sand and shell substrate habitat.

The proposed mitigation is expected to more than offset the expected temporary and permanent impacts of EFH by this project because:

1. Fonseca, Kenworthy and Thayer (1998) have noted (at page 148) that "seagrass planting is not an experimental technique. Seagrass beds can be restored..."
2. Fonseca, Kenworthy and Thayer (1998) have also noted (at page 47) that experimental work in Tampa Bay (Fonseca et al. 1996 a,b) has shown that "...*H. wrightii* and *S. glaucus* beds planted in 1996 were restored to 100% cover by 1998."

shrimp and crab density and composition statistically indistinguishable from nearby sites within three years". The planting units used for this experimental work were bare-root planting units, while the planting units proposed for the Port Manatee seagrass mitigation include some bare-root plantings, but are largely composed of intact plug and sod units, which could be expected to produce the same results in the same time period or a shorter period.

3. The proposed restoration of Little Redfish Creek is expected to result in the restoration of EFH in the form of estuarine tidal creeks, tidal marshes and mangrove forests. The excavation to restore the normal hydrology of the historical tidal creeks will be similar to efforts described in Roberts (1991), Whitman and Gilmore (1993) and Kurz et al. (1998). All three publications document the rapid recruitment to restored or created tidal marshes or mangrove/marsh plant communities in Florida, (the latter two publications concentrating on such projects in Tampa Bay) of 40 species of adult and juvenile fish species including red drum (*Sciaenops ocellatus*), spotted seatrout (*Cynoscion nebulosus*), snook (*Centropomus undecimalis*), spot (*Leiostomus xanthurus*), black drum (*Pogonias cromis*) and tarpon (*Megalops atlanticus*).
4. The proposed seagrass mitigation monitoring plan uses as success criteria the generation of "seagrass mitigation credits" equivalent to approximately twice the total area of seagrasses (12.7 credits). These can be generated using any combination of credit generating areas and restoration or creation methods as listed for Seagrass Mitigation Sites 1-8. Not until such credits have been generated and approved by both the Corps and FDEP can the project mitigation be considered a success.
5. Dredging may not occur until all the seagrasses in the proposed impact areas have been successfully transplanted. If they are not, the applicant must wait to dredge until they are successfully transplanted and such success certified by both the Corps and FDEP.
6. Approximately 9.04 acres of new deep water habitat is to be created from uplands.

LITERATURE CITED

- Manatee County Port Authority. May, 1999. Mitigation Plan, Port Manatee Navigation and Berth Improvements, FDEP File Number 0129291-001-EC, COE File No. 199801210 (IP-MN), May, 1999.
- Manatee County Port Authority. July, 2000. Seagrass Mitigation Plan, Port Manatee Navigation and Berth Improvements, DEP File No. 0129291-002-EI, COE File No. 199801210 (IP-MN), Revised July 5, 2000.
- Fonseca, M. S., W. J. Kenworthy and G. W. Thayer. 1998. Guidelines for the conservation and restoration of seagrasses in the United States and adjacent waters. NOAA Coastal Ocean Program, Decision Analysis Series No. 12. NOAA, National Marine Fisheries Service, Beaufort, NC.
- Fonseca, M. S., W. J. Kenworthy and F. X Courtney. 1996a. Development of planted seagrass beds in Tampa Bay, Florida, USA. I. Plant components. *Mar. Ecol. Prog. Ser.* 132:127-139.
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- Kurz, R. C., R. W. Fenwick and K. A. Davis. 1998. A comparison of fish communities in restored and natural salt marshes in Tampa Bay, Florida. SWIM Technical Report. Southwest Florida Water Management District, Brooksville, FL.
- National Marine Fisheries Service. 1999. Essential fish habitat: New marine fish habitat conservation mandate for Federal agencies. NMFS, Habitat Conservation Division, Southeast Regional Office, St. Petersburg, FL. 13 pp + figs.
- Roberts, T. H. 1991. Habitat value of man-made coastal marshes in Florida. Wetlands Research Program Technical Report WRP-RE-2. U. S. Army Corps of Engineers, Waterways Experiment Station, Vicksburg MS.
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SEP 05 2000

Regulatory Division
West Permits Branch
199801210 (IP-MN)

Andreas Mager, Jr., Assistant Regional Administrator
National Marine Fisheries Service
Habitat Conservation Division
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Georgia 33702

Dear Mr. Mager:

Reference is made to Department of the Army permit application 199801210 (IP-MN) submitted by the Manatee County Port Authority to make improvements to the existing port and our Planning Division's letter of August 1, 2000, providing the Essential Fish Habitat Assessment (EFH) requested in your letter of March 16, 2000.

A meeting was held at the Manatee County Port Authority offices on August 31, 2000, to discuss the EFH assessment, the latest mitigation plan for the entire project, and how the mitigation plan addresses the EFH impacts. Mr. David Dale represented your office at this meeting. Mr. Dale indicated that the Corps had not made an EFH impact determination as part of our August 1st letter and such a determination was needed to allow your agency to respond to this letter.

Regulatory Division has reviewed the two attachments to the August 1st letter that included the EFH assessment and the latest seagrass mitigation plan dated July 5, 2000. Regulatory Division also reviewed the May 1999 mitigation plan that covers impacts to fish and wildlife resources under the Fish and Wildlife Coordination Act and the special conditions in the Florida Department of Environmental Regulation (FDEP) construction permit for the seagrass mitigation. Based on our review of these documents, we have determined that the proposed action would not have a substantial adverse impact on EFH or managed fisheries in the Gulf of Mexico provided the seagrass mitigation is successful.

This determination applies to the entire project both Federal and non-Federal. The DA permit, if issued, would only apply to the non-Federal portion of the project.

To ensure that impacts to EFH and managed fisheries in the Gulf of Mexico are not substantially adverse, the Corps would condition the DA permit for the project as follows:

a. The attached specific conditions of FDEP construction permit 0129291-002-EI (copy enclosed) for the seagrass mitigation issued by the FDEP on August 29, 2000, address most of the conditions that the District Engineer (DE) has determined are necessary to satisfy legal and public interest requirements for issuance of this permit. Therefore, all of the FDEP permit specific conditions are hereby incorporated into this DA permit with the following additions:

1. FDEP Special Condition 9: The notification of seagrass success shall also be sent to the Corps and the National Marine Fisheries Service (NMFS). The Corps and the NMFS will adhere to the same success notification requirements contained in Special Condition 9(c).

2. FDEP Special Condition 10: The contingency plan shall be also submitted to the Corps and the NMFS for review. The Corps shall coordinate the review of the contingency plan with the NMFS and approval of the contingency plan will adhere to the one year time table contained in this special condition.

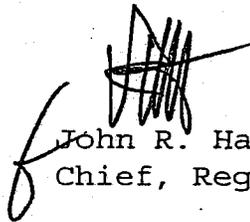
3. FDEP Special Condition 12: The Annual Progress and Mitigation Success Reports shall also be submitted to the Corps and the NMFS. The reports shall have the same format as required by this Special Condition.

b. The notification of success, contingency plan, and monitoring reports shall be sent to the U.S. Army Corps of Engineers, Jacksonville District, Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232 and the National Marine Fisheries Service, Habitat Conservation Division, Southeast Regional Office, 9721 Executive Center Drive North, St. Petersburg, Florida 33702.

Please review our letter and enclosures and provide us with your response concerning our EFH determination.

If you require any further information regarding this proposal, you may contact the Project Manager, Mike Nowicki, at the letterhead address or by telephone at 904-232-2171.

Sincerely,



John R. Hall
Chief, Regulatory Division,

Enclosure

W Nowicki/CESAJ-RD-W
9/5/00 mn/2171 9/5/2000
Silver/CESAJ-RD-W
Hall/CESAJ-RD



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

October 6, 2000

Colonel James G. May, District Engineer
Regulatory Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel May:

The National Marine Fisheries Service (NMFS) has reviewed your staff's letters, dated August 1, 2000, and September 5, 2000, regarding permit application number 199801210(IP-MN) by the Manatee County Port Authority (MCPA) for planned expansion of existing port facilities in cooperation with the Corps of Engineers' Construction and Operation Division (COE-CO) at Port Manatee on Tampa Bay, in Manatee County, Florida. Specifically, the MCPA would add three berths and the COE-CO would expand the turning basin and widen the turn off the main Tampa Bay shipping channel.

The project is located in aquatic habitats identified as Essential Fish Habitat (EFH) in the 1997 amendment of the Fishery Management Plans for the Gulf of Mexico prepared by the Gulf of Mexico Fishery Management Council (GMFMC). The 1998 generic amendment was prepared as required by the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). The Corps of Engineers (COE) has made a determination that the project would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico.

The proposed dredging sites are located in an area identified as Essential Fish Habitat (EFH) for juvenile pink shrimp, postlarval and juvenile red drum; postlarval, juvenile, and adult gray snapper; and, juvenile bluefish, Spanish mackerel and yellowtail and lane snappers. Categories of EFH which will be impacted by the proposed dredging include seagrasses, mangrove wetlands, estuarine sand substrate and estuarine water column.

By letters dated November 2, 1998, and March 16, 2000, we provided comments and recommendations pertaining to the proposed activity. In those letters, we addressed the value of the affected aquatic resources, including aquatic resources of national importance, to marine fishery resources and recommended that, in accordance with Part IV, Section 3(a) of the current Memorandum of Agreement between the Departments of Commerce and Army regarding Section 404(q) of the Clean Water Act that Department of the Army authorization be denied.



In our most recent correspondence to you we provided details on the following concerns:

1. That the proposed mitigation would not adequately offset the project impacts, if authorized, on aquatic resources including EFH and specifically 12.64 acres of seagrass habitat;
2. That the need for additional berths and the larger turning basin had not been adequately demonstrated;
3. That inconsistencies existed in the various project plans being circulated among the state and Federal regulatory as well as the natural resource agencies;
4. That the applicant had not completed all revisions to the mitigation plan and submitted them for formal evaluation and review; and,
5. That the COE should consider the MCPA's application incomplete until the COE-CO had evaluated the feasibility of the 1400-foot diameter turning basin.

The NMFS participated in a meeting held at the MCPA on August 31, 2000, to discuss the EFH assessment as well as the above concerns. At that meeting final plans for the project as well as the mitigation were presented which represent significant modifications and improvements to the overall project. Additionally, based on the information provided at that meeting, the NMFS no longer questions the alternatives analysis regarding the additional berths and the larger turning basin.

A summary of the anticipated acreage (ac) of impacts and proposed mitigation are as follows:

	Filling	Dredging	Mitigation
Mangrove Wetlands	1.29 ac	1.50 ac	(see Little Redfish Creek)
Unvegetated Substrate		78.85 ac	(see Little Redfish Creek)
Rock (Live) Bottom		0.82 ac	0.45 ac
Seagrass		12.64 ac	16.22 ac of planting; 19.29 ac of scrape-down and planting; repair prop scars within 107.00 ac; and 479.40 ac manatee and seagrass protection zone
Little Redfish Creek Restoration			113.12 ac of restoration and enhancement of estuarine tidal marsh, mangrove and tidal creek habitat

Dredged Material Island

16.06 ac of restoration and enhancement of estuarine tidal marsh, mangrove and tidal creek habitat and 49.34 ac of upland restoration for shorebird and seabird habitat

The NMFS remains concerned that applicant continues to propose the salvage of seagrasses from areas that are proposed to be converted to deepwater habitat although the State of Florida will not issue a construction permit for the port facilities until the seagrass mitigation is deemed successful. We remain concerned that the relocation of existing seagrasses would likely result in an immediate and potentially long-term decrease in seagrass habitat at the project site as 100% survival of the transplant units can not be expected. The seagrass mitigation plan, as permitted by the State of Florida on August 29, 2000, was developed with technical assistance provided from Dr. Mark Fonseca of the National Ocean Service's Center for Coastal Fisheries and Habitat Research. By letter dated February 14, 2000 (which we provided to you in our previous letter) Dr. Fonseca noted that turtlegrass transplants may take more than 18 months to exhibit signs of viability. We are also concerned that the proposed monitoring of the seagrass mitigation can apparently be terminated after only three years and remedial actions necessary to correct failures in the mitigation do not reset the monitoring time-line requirements; both as recommended by Fonseca (1998).

In consideration of the previously identified adverse impacts to NMFS trust resources as well as the concerns outlined above, we continue to recommend that Department of the Army authorization be denied for the project as currently proposed. To ensure the conservation of EFH and associated fishery resources, final action on the proposed action should require the following:

EFH Conservation Recommendations

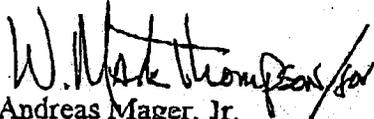
1. Existing seagrass habitat should be conserved with up-front mitigation being initiated by utilizing accepted donor or propagation practices which maintains the health of existing seagrass habitat.
2. Monitoring of the mitigation components should be required for a minimum of 5-years.
3. Where remedial actions are necessary to correct failures in achieving mitigation success criteria, the monitoring and success time lines should be reset to zero.

Please be advised that the EFH provisions of the MSFCMA (305(b)(2)(B)) requires your office to provide a written response to this letter within 30 days of its receipt and at least 10 days prior to final approval of the action. A preliminary response is acceptable if final action can not be completed

within 30 days. Your final response must include a description of measures to be required to avoid, mitigate, or offset the adverse impacts of the activity. If your response is inconsistent with our EFH Conservation Recommendations, you must provide an explanation of the reasons for not implementing those recommendations.

If we can be of further assistance, please advise. Related comments, questions or correspondence should be directed to Mr. David N. Dale in St. Petersburg, Florida. He may be contacted at 727/570-5311 or at the letterhead address above.

Sincerely,


Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

cc:

EPA-Atlanta, West Palm Beach
FWS-Jacksonville, St. Petersburg
FDEP-Tampa
FFWCC-Tallahassee, St. Petersburg
SWFWMD-Tampa
TBRPC-St. Petersburg
NOS-Fonseca
ManaSota-88
Tampa BayWatch
F/SER3
F/SER4
F/SER43-Dale

LITERATURE CITED

Fonseca, Mark S., et. Al. 1998. Guidelines for the Conservation and Restoration of Seagrasses in the United States and Adjacent Waters. NOAA Coastal Ocean Program Decision Analysis Series No. 12. NOAA Coastal Ocean Office, Silver Spring, MD. 222 pp.

NOV 06 2000

Regulatory Division
West Permits Branch
199801210 (IP-MN)

Andreas Mager, Jr., Assistant Regional Administrator
National Marine Fisheries Service
Habitat Conservation Division
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Georgia 33702

Dear Mr. Mager:

Reference is made to Department of the Army permit application 199801210 (IP-MN) submitted by the Manatee County Port Authority to make improvements to the existing port and your letter of October 6, 2000, providing the Essential Fish Habitat Assessment (EFH) Conservation Recommendations in response to our letter of September 5, 2000. This letter will serve as our response under Section 305(b)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

We have reviewed the three EFH Conservation Recommendations made on page 3 of your October 6th letter. We agree with recommendations 2 and 3 and appropriate special conditions will be added to the DA permit, if issued to reflect these conditions.

Our review of EFH Conservation Recommendation 1 indicates that we cannot concur with this recommendation for the following reasons:

a. As indicated in our September 5th letter, the specific conditions of the Florida Department of Environmental Protection (FDEP) mitigation permit would be part of the special conditions of the DA permit. The FDEP permit does not allow port development without showing success in the mitigation area and the DA permit special conditions would serve to reinforce that requirement and

add the National Marine Fisheries Service to the mix of agencies reviewing the success of the mitigation effort. The applicant has a very serious stake in the success of the mitigation because the port expansion depends on mitigation success. The assurance of mitigation success is further enhanced by the acceptance of EFH Conservation Conditions 2 and 3.

b. The time lag between seagrass impacts and the success of the seagrass mitigation effort has been addressed through a mitigation ratio that requires seagrass credits (20.28) that reflect a mitigation ratio of 1.6 to 1 for the acres of seagrasses impacted using the initial seagrass survey (12.7 acres). The seagrass credits of 20.28 actually reflect approximately 142.51 acres of seagrasses that will either be enhanced or restored. The gross mitigation ratio when considering acres would be over 11 to 1.

c. The requirement for a contingency plan, to also be reviewed by the NMFS, further enforces the applicant's commitment to provide successful mitigation.

Please review our letter together with the applicant's consultant letter dated November 2, 2000, and advise us if your agency concurs with the deletion of EFH Conservation Recommendation 1.

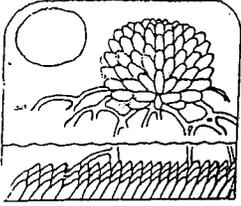
If you require any further information regarding this proposal, you may contact the Project Manager, Mike Nowicki, at the letterhead address or by telephone at 904-232-2171.

Sincerely,

John R. Hall
Chief, Regulatory Division

Enclosure

bcc:
CESAJ-PD-ER (Haberer)



Lewis Environmental Services, Inc

November 2, 2000

Mike Nowicki
U. S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

**RE: Response to the October 6, 2000 Letter from NMFS - Permit Application 199801210(IP-MN),
Manatee County Port Authority, Manatee County, Florida**

Dear Mike:

In response to the NMFS comments regarding Essential Fish Habitat and the three conservation recommendations dated 6 OCT 2000, we offer the following comments:

We concur with recommendations # 2 and # 3. In fact, the five (5) years of monitoring of the mitigation components were already part of our plan, and the reset time zero is a condition of the issued FDEP permit. We would only comment that the reset to time zero should be for each portion of our mitigation that fails to achieve mitigation success criteria, not for all the mitigation projects, as some may achieve success criteria and be deemed successful earlier than others. We would request the opportunity as part of the permit conditions to request certification by both the Corps and FDEP that a specific portion of the mitigation be termed successful, and all monitoring cease, while other specific portions would continue to be monitored until success is achieved.

Concerning recommendation no. 1, discussions were held with Mark Thompson on October 30, 2000 in order to request clarification of that item. He indicated that the Service was recommending that the existing seagrasses, most currently measured as 2.9806 acres in the proposed Berth 12 dredging area, and 2.3499 acres in the proposed Turning Basin dredging area (see attached letter to FDEP), be left in place during the proposed mitigation program, and only be utilized as donor sites to the extent that harvesting of donor material would maintain the health of the existing seagrass habitat. Our position on this issue is as follows:

1. This requirement is in direct conflict with our issued FDEP permit (No.0129291-002-EI, issued August 29, 2000) which requires that:

“Dredging and filling for turning basin and berth construction shall not begin until an individual environmental resource permit has been issued for the work and the seagrasses within the impact sites are transplanted and become successfully reestablished” (Specific Condition 3)

The proposed seagrass mitigation monitoring plan uses as success criteria the generation of “seagrass mitigation credits” (see Table 1 below) equivalent to more than twice the total area of seagrasses (12.7 credits needed for 5.3305 acres of impact). These can be generated using any combination of credit generating areas and restoration or creation methods as listed for Seagrass Mitigation Sites 1-9 (Table 1). Not until such credits have been generated and approved by both the Corps and FDEP can the project mitigation be considered a success. We feel this adequately insures that the mitigation will get done and will be done successfully.

2. The current proposed mitigation plan consists of the following (Table 1).

We believe that the restoration of up to 35.51 acres of former seagrass beds, the restoration of up to 107.00 acres of currently heavily prop scarred seagrasses (subtotal 142.51 acres) and the additional protection of 372.4 acres of existing seagrass on State owned submerged land within a “no internal combustion engine” zone constitutes seagrass mitigation above and beyond that necessary to adequately offset all the proposed impacts, including any impacts to essential fish habitat. The restoration alone represents 7 acres of mitigation for each acre impacted (7:1 mitigation ratio).

Table 1. Seagrass mitigation.

Seagrass Mitigation Sites	Action	Area (ac.)	Mitigation Type and Ratio	Maximum Mitigation Credit
1-3	Transplant and Plant	11.20	Enhancement 1:5	2.24
4B, 6B1, and 6B2	Install Breakwater and Transplant and Plant	3.04	Enhancement 1:4	0.76
5	Remove Sand Spit and Plant	1.98	Enhancement 1:4	0.50
4A and 6A	Scrape-down and Plant	6.47	Restoration 1:2	3.24
7	Scrape-down and Plant	12.82	Restoration 1:2	6.41
8	Prop Scar Repair	107.00	Enhancement 1:15	7.13
9	Manatee/Seagrass Protection Zone	479.40 including 107.00 above = 372.4 additional	Protection and natural recovery 0	0
Totals		514.19 acres (142.51 acres of restored seagrass)		20.28 credits (12.7 minimum needed)

3. The proposed mitigation is expected to more than offset the expected temporary and permanent impacts of EFH by this project because:

A. Fonseca et al. (1998) have noted (at pages 141 and 148) that “seagrass planting is not an experimental technique. Seagrass beds can be restored...”

B. Fonseca et al. (1998) have also noted (at pages 47 and 141) that experimental work in Tampa Bay (Fonseca et al. 1996 a,b) has shown that “...*H. wrightii* and *S. filiforme* beds planted on 0.5 m

Mike Nowicki
Page 3
October 31, 2000

centers in Tampa Bay developed fish, shrimp and crab density and composition statistically indistinguishable from nearby sites within three years". The planting units used for this experimental work were bare-root planting units, while the planting units proposed for the Port Manatee seagrass mitigation include some bare-root plantings, but are largely composed of intact plug and sod units, which could be expected to produce the same results in the same time period or a shorter period.

4. Finally, we would note that Fonseca et al. (1998) in describing what are accepted donor or propagation practices for seagrass mitigation note that "...*H. wrightii* and *S. filiforme* can be harvested from wild stands with no long-term (>1 year) impact to the donor site...*Thalassia* can be transplanted with good survival but slow population growth...but harvest damage to those donor beds may last for years, and harvest of vegetative *Thalassia* stock should be from bed margins...if a salvage operation...is not available" (page 105). We do not believe that the existing *Thalassia* beds in the turning basin can withstand any limited harvesting of donor material, and because of our experience and the proven success of salvaging larger (8 inch diameter) plugs planted on 3 foot or closer centers (Lewis et al. 1994), and the lack of any significant seed production by this species in Tampa Bay (Lewis et al. 1985), we do not believe that the restoration of an equivalent area of *Thalassia* can be accomplished successfully using any other accepted donor or propagation method.

In conclusion, we believe that the FDEP permit adequately addresses the concerns raised by the National Marine Fisheries Service with regard to offsetting impacts to seagrasses which is further supported by NMFS studies which indicate that the type of seagrass mitigation we have proposed should be successful.

Please feel free to contact me with any additional questions.

Sincerely,



Roy R. "Robin" Lewis III, Professional Wetland Scientist
President

cc: George Isiminger, Steve Lewis, Ed Steinmeyer, David McDonald, File # 394

LITERATURE CITED

- Fonseca, M. S., W. J. Kenworthy and G. W. Thayer. 1998. Guidelines for the conservation and restoration of seagrasses in the United States and adjacent waters. NOAA Coastal Ocean Program, Decision Analysis Series No. 12. NOAA, National Marine Fisheries Service, Beaufort, NC.
- Fonseca, M. S., W. J. Kenworthy and F. X Courtney. 1996a. Development of planted seagrass beds in Tampa Bay, Florida, USA. I. Plant components. Mar. Ecol. Prog. Ser. 132:127-139.
- Fonseca, M. S., D. L. Meyer, and M. O. Hall. 1996b. Development of planted seagrass beds in Tampa Bay, Florida, USA. II. Faunal components. Mar. Ecol. Prog. Ser. 132: 141-156.

Mike Nowicki
Page 4
October 31, 2000

Lewis, R. R., M. J. Durako, M.D. Moffler and R. C. Phillips. 1985. Seagrass meadows of Tampa Bay. Pp.210-246 in S. F. Treat, J. L. Simon, R. R. Lewis III and R. L. Whitman, Jr. (eds.), Proceedings, Tampa Bay Area Scientific Information Symposium [May 1982]. Burgess Publishing Co., Minneapolis. 663 pp.

Lewis, R. R., C. Kruer, S. Treat and S. Morris. 1994. Wetland Mitigation Evaluation Report, Florida Keys Bridge Replacement. Florida Dept. of Transportation WPI No.6116901, SP No. 90000-1560. 88 pp. + appends.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

January 11, 2001

Colonel James G. May
District Engineer, Jacksonville District
Regulatory Division, West Permits Branch
Department of the Army, Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel May:

This is in reference to Department of the Army permit application number 199801210(IP-MN) by the Manatee County Port Authority (MCPA) to expand its existing port facilities at Port Manatee on Tampa Bay, in Manatee County, Florida. On November 6, 2000, your staff provided responses to three Essential Fish Habitat Conservation Recommendations (CR) submitted by the National Marine Fisheries Service (NMFS) by our letter dated October 6, 2000. At that time the Corps of Engineers (COE) and MCPA agreed with two of the three CRs. To address the third CR, a meeting among our staffs was planned but could not be scheduled, however, on-going discussions occurred between our respective staffs as well as consultations with various seagrass restoration experts. The following outlines the results of those discussions regarding our CR that accepted donor or propagation practices which maintains the health of existing seagrass habitat be utilized in lieu of salvage techniques.

The State's permit is conditioned, and the COE permit (if issued) would be conditioned, such that the seagrass mitigation must demonstrate success prior to initiating port expansion activities. It is the opinion of the MCPA that complete removal of *Thalassia testudinum* within the expansion area is necessary for transplantation to the mitigation sites in order to obtain successful compensation for this particular seagrass species. Given that seagrass mitigation is difficult and that this process does not meet established guidelines¹, the NMFS is concerned that if the mitigation is not successful and the MCPA will not be allowed to expand, the final result of the project will be the net loss of 12.7 acres of seagrass habitat.

To resolve this last remaining issue, the NMFS will remove our objection to the complete removal of *Thalassia testudinum* at the expansion site, providing, in addition to those conditions listed in your

¹ Fonseca, Mark S., et al. 1998. Guidelines for the Conservation and Restoration of Seagrasses in the United States and Adjacent Waters. NOAA Coastal Ocean Program Decision Analysis Series No. 12. NOAA Coastal Ocean Office, Silver Spring, MD. 222pp.



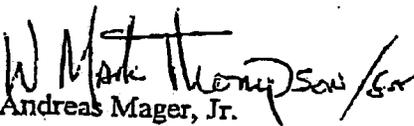
September 5, and November 6, 2000, letters, the COE include the following conditions in the permit, if issued:

1. Should the scagrass mitigation effort be deemed unsuccessful, thus not authorizing the MCPA to expand as proposed, the MCPA will restore the 12.7-acre seagrass habitat in accordance with NMFS seagrass restoration guidance available at that time.
2. The NMFS shall be provided an opportunity to review the Mitigation Success Reports and concur with their findings. Time allowed for review and comment should be similar to that allowed the state agencies for their review.

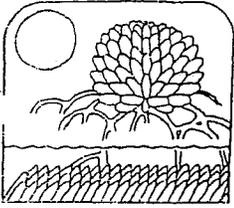
If these conditions are agreeable with the COE and the MCPA, this will satisfy the consultation procedures outlined in 50 CFR Section 600.920, of the regulation to implement the EFH provisions of the Magnuson-Stevens Act. Therefore, no further consultation will be required for this action. We request a copy of the final permit and supporting documents.

We appreciate your staff's effort in resolving this issue. If we can be of further assistance, please advise. Related comments, questions or correspondence should be directed to Mr. David N. Dale in St. Petersburg, Florida. He may be contacted at 727/570-5317 or at the letterhead address above.

Sincerely,


Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

cc:
F/SER4
F/SER43
F/SER3
F/SEC7 (M. Fonseca)
COE-Jacksonville (Construction and Operations)
EPA-Atlanta
FWS-Jacksonville
FWS-St. Petersburg (B. Prigeon)
FDEP-Tallahassee (L. Milligan)
FFWCC-Tallahassee
TBRPC-St. Petersburg (S. Cooper)
TBEP-St. Petersburg (R. Eckenrod)
Manasota88-St. Petersburg
Tampa BayWatch-St. Petersburg (P. Clark)



Lewis Environmental Services, Inc

August 2, 2001

Yvonne L. Haberer
U.S. Army, Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Seagrass Acreages - Port Manatee, Manatee County, Florida

Dear Yvonne:

When we mapped the seagrasses in 1998, using photointerpretation and groundtruthing, there were a total of 12.7 acres within the footprint of the proposed dredging. When we remapped the seagrasses, at FDEP's request, using a surveyor and marking each bed with PVC stakes, again as requested by FDEP, in June-August of 2000, there were 5.3305 acres. This consisted of 2.9806 acres in the proposed Berth 12 and 2.3499 acres in the proposed Turning Basin.

The SWIM program has been mapping seagrasses in Tampa Bay since 1988. They reported in 2001 (see attached copy of Email from Dave Tomasko) that for the first time since their mapping started in 1988, seagrasses showed a decrease instead of an increase during the period 1996-1999. The total Bay wide loss was 7.7% or 2,075 acres. Similar losses occurred in Charlotte Harbor (-6.7%) and Sarasota Bay (-10%). Various causes including the El Nino rains have been blamed

So my conclusion, since I dove both areas in 1998 and up through 2000 was that some of the decline was due to better mapping with a surveyor, and some was simply a part of a natural downward trend in the Bay. We also found that some mixed hardbottom and seagrass that we had originally mapped as seagrass, was in fact, a misinterpretation of the original aerial photography on my part.

The lower figure has been given to FDEP and they have inspected the area and confirmed that there is no more than about 5.5 acres of seagrass. They have not given us a revised figure between our 5.33 and their approximate 5.5 acres that they feel comfortable with. I assume since we have to produce 12.7 seagrass mitigation credits anyway, that it is a moot point at this time. You can talk with Rose Poyner about this if you have any questions.

Sincerely yours,

A handwritten signature in cursive script that reads "Robin".

Roy R. "Robin" Lewis III, Professional Wetland Scientist
President

cc: George Isiminger, Steve Swingle, Mike Marshall, Steve Lewis, Rose Poynor, File #
394

Subj: Fw: 1999 Tampa Bay SAV numbers and TAC actions

Date: 10/20/00 5:14:31 PM Eastern Daylight Time

From: hgreening@ghost.net (Holly G)

Reply-to: hgreening@tbep.org (Holly G)

To: ystoker@usgs.gov (Yvonne Stoker), xinjian.chen@swfwmd.state.fl.us (xinjian chen), JanickiEnv@aol.com (Tony Janicki), tries@scheda.com (Tom Ries), Delta-Seven@worldnet.att.net (Tom Cuba), tomc@epcjanus.epchc.org (Tom Cardinale), grabe@epcjanus.epchc.org (Steve Grabe), slovely@co.pinellas.fl.us (Sheri Lovely), JOR@hotmail.com (Roger Johansson), LESrr13@aol.com (Robin Lewis), robert.brown@co.manatee.fl.us (Rob Brown), rpaul@audubon.org (Rich Paul), info@tampabaywatch.org (Peter Clark), tpmw@dames.com (Mike Walters), heyimg@aol.com (Mike Heyl), luther@marine.usf.edu (Mark Luther), sbnep@gte.net (Kurt Gustason), kevin.petrus@dep.state.fl.us (Kevin Petrus), lk Dixon@mote.org (Kellie Dixon), jcultter@mote.org (Jim Culter), beeverjw@aol.com (Jim Beever), jleveron@mote.org (Jay Leverone), meriamj@hillsboroughcounty.org (Jack Meriam), hzarbock@CH2M.com (Hans Zarbock), gg_williams@imc-agrico.com (Greg Williams), vargo@seas.marine.usf.edu (Gabe Vargo), estevez@mote.org (Emie Estevez), efehman@co.pinellas.fl.us (Eric Fehman), dmoores@co.pinellas.fl.us (Don Moores), dparsche@tampaport.com (Dave Parsche), dsmith@eng.usf.edu (Daniel Smith), ckovach@cfl.com (Craig Kovach), craig.dye@swfwmd.state.fl.us (Craig Dye), cdawes@chuma1.cas.usf.edu (Clinton Dawes), kovach_c@pal.dep.state.fl.us (Charles Kovach), cece.featheringill@dep.state.fl.us (CeCe Featheringill), Bryan_Pridgeon@fws.gov (Bryan Pridgeon), bdegrove@flaphos.org (Bruce DeGrove), Brad.weigle@gte.net (Brad Weigle), pde@gte.net (Bob Whitman), asquires@co.pinellas.fl.us (Andy Squires), nanette@tbep.org (a-Nanette Holland), geroldm@aol.com (a-Gerold Morrison), reckenrod@tbep.org (a-Dick Eckenrod)

File: 1999Tamp.zip (6454 bytes)

DL Time (TCP/IP): < 1 minute

members:

Dave Tomasko gave a presentation to the full TAC this morning showing the 1999 seagrass acreage numbers- the table attached from Dave is a summary of his presentation.

The TAC recommended Management Board approval of the seagrass projects submitted by the Seagrass Working Group for funding this year, and also urged the TAC to work with the Manatee Action Coalition to develop a specific plan of study for the boater education element of the priority issues.

The TAC also adopted the process for tracking chlorophyll a concentrations and light attenuation in Tampa Bay, as recommended by the Water Quality Subcommittee. The process resulted in "red flags" for the chlorophyll/light matrix for all bay segments in 1998. However, in 1999, Hillsborough Bay had returned to meeting both chlorophyll and light attenuation targets, and OTB, MTB and LTB were exhibiting "caution" levels for these parameters rather than the more serious "red alert" status from 1998. Dave and Tony showed rainfall data which indicated that rainfall amounts in 1998 were more than twice as high as the long-term average, due to the El Niño event of that year.

The TAC also discussed other "red flags", which will be summarized and presented to the Management Board at their next meeting on November 3rd.

Please contact me with any questions-

Holly

St. Petersburg, FL 33701

hgreening@tbep.org

— Original Message —

From: <Dave.Tomasko@swfwmd.state.fl.us>

To: <hgreening@tbep.org>

Cc: <jor@hotmail.com>

Sent: Wednesday, October 18, 2000 4:41 PM

Subject: 1999 Tampa Bay SAV numbers

> Holly and Roger,

>

> I've enclosed the same file saved in a QuatroPro then Excel format. It's
> got the 1999 Tampa Bay SAV numbers by segment. Also, it has the side by
> side number comparisons between numbers crunched by Tony et al and numbers
> crunched by ourselves. As you can see, the problems we had with 1996
> numbers (different bay segment boundaries) have been rectified.

>

> Also, we're talking about a loss of 2,075 acres of seagrass between 1996
> and 1999 in Tampa Bay. However, the rate of loss (7.7 % decline) is in
> line with decreases seen in Charlotte Harbor (-6.7 %) which is a much
> healthier estuary than Tampa Bay, in terms of pollutant yields (kg TN / ha
> / yr). Also, Sarasota Bay lost more than 10 % of its coverage between
> 1996

> and 1999! Dr. Chen has downloaded all the rainfall data within the Tampa
> Bay region, to see how the 98 El Nino might have affected our numbers.

>

> While Tampa Bay's apparent decline is in line with the drop seen in other,
> adjacent systems, it is worth noting that Old Tampa Bay's 23.7 % decline
> accounted for approximately 66 percent of the bay-wide decrease. What's
> up
> with that?

>

> Also, we have high confidence in the accuracy of the maps. In Tampa Bay,
> the post map-production classification accuracy assessment was on target
> for 19 of 20 sites (only an area off Bayshore was not SAV, but attached
> algae). In Sarasota Bay, the numbers were 15 out of 15, and in Lemon Bay,
> the accuracy was 5 out of 5. We've done 4 in Charlotte Harbor already
> (all

> accurate) with the remainder to be done tomorrow.

>

>

> Thought I'd get this information out to you ASAP. Also, feel free to call
> me anytime after 7:00 p.m. this week, to discuss this information.

>

>

> (See attached file: sav99vs96.wb3)(See attached file: sav99vs96.xls)

>

>

> David A. Tomasko, Ph.D.
> Senior Environmental Scientist

> Surface Water Team, Tampa Bay

> Southern Environmental Science Center

>

SEGMENT	1988 SG	1990 SG	1992 SG	1994 SG	1996 SG	1999 SG	'99 vs '96 % of 96	Percent of 99 vs 96 loss (loss of 2,075 acres)
1-OTB	5006.26	5560.66	5877.31	5911.05	5762.81	4394.69	76.26	65.94
2-HB	6.76	47.09	45.9	146.89	192.68	192.09	99.69	0.03
3-MTB	5204.81	5307.2	5270.26	5775.44	5540.63	5639.02	101.78	
4-LTB	5514.96	6142.76	6242.18	6204.66	6380.92	5847.01	91.63	25.73
5-BCB	6258.17	6805.1	6952.24	7116.38	7699.05	7463.73	96.94	11.34
6-TCB	946.54	999.56	1002.55	999.22	973.26	929.23	95.48	2.12
7-MR	347.3	363.05	363.05	365.46	366.09	374.91	102.41	
Totals	23284.8	25225.42	25753.49	26519.1	26915.44	24840.68	92.29	
Janicki Total	23285.24	25225.9	25753.97	26519.63	26915.94			
Total Diff.	0.44	0.48	0.48	0.53	0.5			

	Acreages					1999 99vs96
	1950	1982	1988	1990	1992	
Tampa Bay	40644	21653	23285	25225	25753	24841
Sarasota Bay	12048		8651			9247
Lemon Bay			2608			2603
Charlotte Harbor	23487	18207	18432		17831	17942
Percent of 1950						
Tampa Bay	100.0	53.3	57.3	62.1	63.4	61.1
Sarasota Bay	100.0		71.8			76.8
Charlotte Harbor	100.0	77.5	78.5		75.9	76.4

	Percent of 1982 or 1988					1999
	1982	1988	1990	1992	1996	
Tampa Bay	100.0	107.5	116.5	118.9	124.3	114.7
Sarasota Bay	100.0	100.0		107.1	119.4	106.9
Lemon Bay	100.0	100.0		101.6	99.9	99.8
Charlotte Harbor	100.0	101.2		97.9	105.6	98.5

Live Bottom Reconnaissance at Port Manatee

Introduction

On Friday, August 10, 2001, a reconnaissance level survey of the existing live bottom communities was performed at Port Manatee, Manatee County, Florida, by Roy R. "Robin" Lewis, Certified Senior Ecologist (ESA) of Lewis Environmental Services, Inc. (LES), Dave Lucas also of LES and Ben Brice, Gee and Jenson.

The general distribution of this habitat type had previously been determined to occupy approximately 0.82 acres within the boundaries of the proposed Turning Basin Dredging area (letter dated July 20, 2000, from George Isiminger to Mike Nowicki). This letter was submitted to the U.S. Army Corps of Engineers in response to comments received by them from the National Marine Fisheries Service regarding the need for a detailed Essential Fish Habitat (EFH) Analysis. The letter and attached EFH Analysis represented the final submittal on this subject by the Manatee County Port Authority.

A survey performed by LES and Clements Survey on October 20, 2000, recorded eight sites within the same dredging footprint that totaled 2.2084 acres (see attached Figure 1). This second estimate included all the scattered individual exposed rocks and bare sand separating them within the surveyed areas. Thus the 2.2084 acres covered a combination of bare sand and exposed live bottom communities.

This most recent survey was intended to reconfirm the sites of the live bottom, general biological characteristics, and estimated percent cover by actual exposed rock and individual predominant species.

Derrenbacker and Lewis (1985) had originally reported the first observations of live bottom communities in Tampa Bay, but this was not a comprehensive survey of all locations, and this paper did not report any live bottoms at Port Manatee.

General Observations of Cover

All eight areas listed on the Clements' survey and shown in Figure 1 were relocated. Each was examined underwater by R. Lewis. Areas A, B, G, H, I and J were observed to not consist of 100% cover of live bottom communities. It is estimated that approximately 50% of the polygons shown in Figure 1 consist of bare sand.

Similar examination of Areas M and S were also made. Cover in Area M appears to be 70% bare sand, and 30% live bottom. Area S appears to be about an even split, 50%



Figure 1. Reduced version of "Specific Purpose Survey to Show Existing Hard Rock Bottom" by Clements Surveying Inc., dated October 24, 2000.

sand, 50% live bottom. Table 1 lists the original areas as determined in the Clements' survey and these observations. It can be seen that the total area of essentially 100% cover of live bottom totals approximately 0.88 acres, which is very close to the original estimate of 0.82 acres.

TABLE 1. Acreage figures for live bottom habitat, Port Manatee, Florida.

Site	Sq. feet (Clements' Suvery)	Acres (Clements' Survey)	Visual Estimate of Actual Percent Cover	Revised Acreage
A	509.08	0.0117	50%	0.00585
B	4206.35	0.0966	"	0.04830
G	1600.76	0.0367	"	0.01835
H	2601.77	0.0597	"	0.02985
I	15.28	0.0004	"	0.00020
J	235.43	0.0054	"	0.00270
M	48578.56	1.1152	30%	0.33460
S	38451.22	0.8827	50%	0.44140
TOTALS		2.2084		0.88125

Biological Characteristics

The live bottom habitat within areas A, B, G, H, I and J was observed to consist of very low relief (3-4 inches) isolated patches of rocks with very small (1-2 inch) tall attached soft corals of the species *Leptogorgia virgulata*. Several of the patches had burrowing stone crabs (*Menippe mercenaria*) under them.

The live bottom habitat within areas M and S consisted of larger exposed rocks with relief of 8-10 inches. Some of the rocks had attached small colonies of the same soft corals and brown algae, *Sargassum filipendulum*. Very scattered colonies of adult size soft corals to 12 inches in height, boring sponges (*Cliona celata*) and colonial tunicates (*Amaroucium stellatum* and several unidentified species) were present, constituting less than 1% of the total live bottom habitat. Stone crab borrows were common, and several mangrove snapper, *Lutjanus griseus* were observed.

These live bottom habitats would be characterized as low to medium quality euryhaline live bottom habitat as described by Derrenbacker and Lewis (1985). Frequent temporary burial by moving sand, varying salinities and boat prop strikes probably reduces the habitat value of these areas. They are not of the highest relief or quality as described for the stenohaline live bottom habitat containing more attached species including the attached hard starlet coral (*Siderastrea radians*) and the large sponge species *Spherospongia vesparia* (loggerhead sponge) (Derrenbacker and Lewis (1985).

Literature Cited

Derrenbacker, J. A. Jr., and R. R. Lewis III. 1985. Live bottom communities of Tampa Bay. Pages 385-392 in S.F. Treat et al. (eds.), Proceedings, Tampa Bay Area Scientific Information Symposium [May 1982]. Bellwether Press, Minneapolis. 663 pp.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF
Planning Division
Environmental Branch

APR 01 2002

TO WHOM IT MAY CONCERN:

Pursuant to the National Environmental Policy Act and U.S. Army Corps of Engineers Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the Preliminary Finding of No Significant Impact (FONSI) for the Manatee Harbor Navigation Project, Manatee County, Florida.

A copy of the Draft Environmental Assessment (EA) and FONSI is available for viewing on the Corps of Engineers website under "Manatee Harbor Navigation Project" at <http://www.saj.usace.army.mil/pd/envdocs/envdocsb.htm>. Additionally, a copy of the Draft EA and FONSI is available at the Central Library, 1301 Barcarrota Boulevard West, Bradenton, Florida, 34205. For library hours, contact the library at 941-748-5555.

Comments or questions concerning the Environmental Assessment (EA) that led to the FONSI should be directed to Ms. Yvonne Haberer at the letterhead address, or telephone 904-232-1701, or fax 904-232-3442, within 30 days of receipt of this letter.

Sincerely,

A handwritten signature in black ink that reads "James C. Duck".

James C. Duck
Chief, Planning Division



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

May 30, 2002

Mr. James C. Duck
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: Department of the Army - District Corps of Engineers - Preliminary Finding of No Significant Impact - Manatee Harbor Navigation Project - Engineering Documentation Report With Draft Environmental Assessment - Manatee County, Florida
SAI: FL200204021768C

Dear Mr. Duck:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4231, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Florida Fish and Wildlife Conservation Commission (FWC) notes that the Environmental Assessment did not provide scaled drawings of this project for review. In order for FWC to complete its review, scaled drawings of the current and modified turning basin plans depicting their locations in relation to the Manatee Harbor channel and the affected seagrass resources will be required. Please refer to the enclosed FWC comments for further details.

The Florida State Historic Preservation Officer (SHPO) concurs with the finding in the Environmental Assessment that the six underwater targets identified in the remote sensing survey should be further evaluated by a diver to assess any adverse impacts that this project may have on cultural resources.

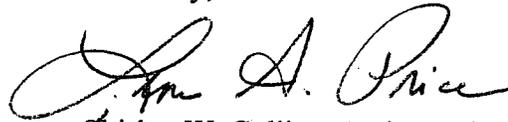
2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

Mr. James C. Duck
May 30, 2002
Page Two

Based on the information contained in the Engineering Documentation Report with Draft Environmental Assessment and the enclosed comments provided by our reviewing agencies, the state has determined that, at this stage, the above-referenced action is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for this project must be reviewed to determine the project's continued consistency with the FCMP. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact Ms. Jasmin Raffington at (850) 922-5438.

Sincerely,



for Shirley W. Collins, Acting Administrator
Florida Coastal Management Program

SWC/dc

Enclosures

cc: Bradley J. Hartman, Florida Fish and Wildlife Conservation Commission
Janet Snyder Matthews, SHPO, Division of Historical Resources

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



DAVID K. MEEHAN
St. Petersburg

H.A. "HERKY" HUFFMAN
Deltona

JOHN D. ROOD
Jacksonville

QUINTON L. HEDGEPEETH, DDS
Miami

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Pensacola

RODNEY BARRETO
Miami

SANDRA T. KAUPE
Palm Beach

LLAN L. EGBERT, Ph.D., Executive Director
ICTOR J. HELLER, Assistant Executive Director

BRADLEY J. HARTMAN, DIRECTOR
OFFICE OF ENVIRONMENTAL SERVICES
(850)488-6661 TDD (850)488-5
FAX (850)922-5

May 16, 2002

Ms. Cindy Cranick
Florida State Clearinghouse
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100

Re: SAI #FL200204021768C, Department of the
Army District Corps of Engineers-Preliminary
Finding of No Significant Impact (FONSI)-
Manatee Harbor Navigation Project, Manatee
County

Dear Ms. Cranick:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed the Manatee Harbor, Florida Navigation Project draft environmental assessment, and provides the following comments.

The Army Corps of Engineers' plan for the Manatee Harbor Navigation Project recommends two significant changes to their current Florida Department of Environmental Protection permit. These changes include constructing wideners along both sides of the Manatee Harbor channel where it intersects the Tampa Harbor Channel, reducing the size of the turning basin from a 1,400-foot diameter to a 900-foot diameter, and adjusting the basin's location.

The additional impacts from the channel wideners are not expected to significantly affect manatees or their habitat. The reduction in the size of the turning basin should reduce adverse impacts to the existing seagrasses and manatee foraging habitat. However, the Environmental Assessment did not provide scaled drawings for our review. In order for us to complete our review, and provide final comments, we request scaled drawings of the current and modified turning basin plans, depicting their locations in relation to the Manatee Harbor channel and the affected seagrass resources.

Ms. Cindy Cranick
May 16, 2002
Page 2

If you have any questions regarding these comments, please contact me, or Ms. Mary Duncan of my staff at (850)922-4330.

Sincerely,

A handwritten signature in cursive script that reads "Brian Barnett, for".

Bradley J. Hartman, Director
Office of Environmental Services

BJH/MPD
ENV 7-2-14/1
a:\sai1768c.doc

cc: Ms. Yvonne Haberer, Department of the Army



GO help | 411 | feedback | directory

- email Governor Jeb Bush
- Gov. Bush's E-Newsletter

STATE CLEARINGHOUSE

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Project Information

Project: FL200204021768C

Description: Department of the Army - District Corps of Engineers - Preliminary Finding of No Significant Impact (FONSI) - Manatee Harbor Navigation Project - Engineering Documentation Report with Draft Environmental Assessment - Manatee County, Florida. On CD

Keywords: ACOE - FONSI - Manatee Harbor Navigation Project

Program:

Review Comments

4/11

Agency: STATE

Date: (mm/dd/yyyy)

Description:

Comment Type: Draft Final

Save



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2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)
SUNCOM 578-2070

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)
SUNCOM 531-6900

Lecanto Service Office
3600 West Sovereign Path
Suite 226
Lecanto, Florida 34461-8070
(352) 527-8131
SUNCOM 667-3271

April 23, 2002

Ms. Jasmin Raffington
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Subject: Department of the Army-District Corps of Engineers- Preliminary Finding of No Significant Impact-Manatee Harbor Navigation Project-Engineering Documentation Report with Draft Environmental Assessment-Manatee County, Florida; SAI#: FL200204021768C

Dear Ms. Raffington:

The staff of the Southwest Florida Water Management District (District) has conducted a consistency evaluation for the referenced project. Consistency findings are divided into four categories and are based solely on the information provided in the subject application.

FINDING	CATEGORY
X	Consistent/No Comment
	Consistent/Comments Attached
	Inconsistent/Comments Attached
	Consistency Cannot be Determined Without an Environmental Assessment Report/Comments Attached

The District appreciates the opportunity to participate in the review of this application. Please be advised that our review does not constitute permit approval under Chapter 373, Florida Statutes, or any rules promulgated thereunder, nor does it stand in lieu of normal permitting procedures in accordance with Florida Statutes and District rules.

Ronnie E. Duncan
Chair, Pinellas

Thomas G. Dabney, II
Vice Chair, Sarasota

Janet D. Kovach
Secretary, Hillsborough

Watson L. Haynes, II
Treasurer, Pinellas

Edward W. Chance
Manatee

Monroe "Al" Coogler
Citrus

Maggie N. Dominguez
Hillsborough

Pamela L. Fentress
Highlands

Ronald C. Johnson
Polk

Heidi B. McCree
Hillsborough

John K. Renke, III
Pasco

E. D. "Sonny" Vergara
Executive Director

Gene A. Heath
Assistant Executive Director

William S. Bilenky
General Counsel

Ms. Jasmin Raffington
April 23, 2002
Page 2

If you have any questions or if I can be of further assistance, please contact me in the District's Planning Department.

Sincerely,

A handwritten signature in cursive script that reads "Trisha Neasman".

Trisha Neasman, AICP
Government Planning Coordinator



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, Florida 32399-0450
April 15, 2002

THOMAS F. BARRY, JR.
SECRETARY

Cherie Trainor
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida, 32399-2100

Re: Department of the Army – District Corps of Engineers – Preliminary Finding of No Significant Impact (FONSI) – Manatee Harbor Navigation Project – Engineering Documentation Report with Draft Environmental Assessment – Manatee County, Florida. On CD.
SAI#: FL200204021768C

Dear Ms. Trainor:

The Department has reviewed the subject report and finds this project to be consistent with the Port Manatee Master Plan. We have no further comments.

Sincerely,

Larry B. Phillips
Seaport Office/FDOT

C: John Starling, District 1
Wayne Chewning, District 1
Sandra Whitmire
File

LP/

SAI Routing Sheet

OFFICE: MANATEE

DATE: 04/02/2002

SAI#: FL200204021768C

PROJECT TO BE REVIEWED BY: (Div/Program)	ASSIGNED REVIEWERS (Print Last Name)	IS PROJECT LOCATED IN APPROVED DRI? (Circle Yes/No)				Is Project CONSISTENT w/ COMPAN?		Is Project CONSISTENT w/ FCMP?		Do you have any COMMENTS on project?		DATE REVIEW COMPLETED	RVWR/ SUPV INIT
		YES		NO		YES	NO	YES	NO	YES	NO		
DCP	RWD	YES	NO	YES	NO							4/9/02	RWD
4/4/02 Date Rec'd				Monitoring Letter?	Monitoring Letter?								
		YES	NO	YES	NO								
Complete and forward to Div/Prog Below no later than: 5/2/02													
CMP	Clayton	Wetlands?		Stormwater?								4-24-02	JC
4/1/02 Date Rec'd		YES	NO	YES	NO								
Complete and forward to ACC Coordinator no later than: 5/2/02													

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
~~Office of the Secretary~~
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
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Division of Licensing
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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. James C. Duck
Planning Division, Environmental Branch
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

April 8, 2002

RE: DHR Project File Number: 2002-3138
Received by DHR: April 2, 2002
Project: Manatee Harbor Navigation Project
Draft Environmental Assessment & Finding of No Significant Impact (FONSI)
Manatee County, Florida

Dear Mr. Duck:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966* (Public Law 89-665), as amended in 1992, and *36 C.F.R., Part 800: Protection of Historic Properties*. The State Historic Preservation Officer is to advise and assist federal agencies when identifying historic properties (listed or eligible for listing, in the National Register of Historic Places), assessing effects upon them, and considering alternatives to avoid or reduce the project's effect on them.

Based upon our review of the proposed project, it was noted that this project was the subject of a remote sensing survey, completed on March 3, 2000. Of the thirteen anomalies detected, six targets were to receive additional investigation for the presence of significant cultural resources. We concur with the finding that the six underwater targets should be further evaluated by a diver to assess any possible adverse effects that this project may have on historic or cultural resources. Provided that this is completed, we concur with the FONSI.

If there are any questions concerning our comments, please contact Allison McCarthy, Historic Sites Specialist, by electronic mail at amccarthy@mail.dos.state.fl.us or at 850-245-6333 or 800-847-7278. Thank you for your interest in protecting Florida's historic properties. We look forward to working with you on a successful project.

Sincerely,

Janet Snyder Matthews, Ph.D., Director, and
State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office (850) 245-6300 • FAX: 245-6435
 Archaeological Research (850) 245-6444 • FAX: 245-6436
 Historic Preservation (850) 245-6333 • FAX: 245-6437
 Historical Museums (850) 245-6400 • FAX: 245-6433
 Palm Beach Regional Office
 St. Augustine Regional Office
 Tampa Regional Office



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

April 30, 2002

Colonel James G. May
District Engineer, Jacksonville District
Planning Division, Environmental Branch
Department of the Army, Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

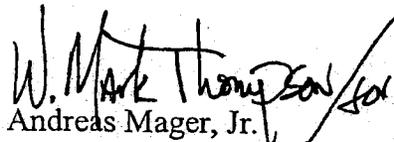
Dear Colonel May:

The National Marine Fisheries Service reviewed your staff's letter dated April 1, 2002, requesting our review of the December 2001 Draft Environmental Assessment (EA) and Finding of No Significant Impact for the Manatee Harbor Navigation Project, Manatee County, Florida.

We find that the description of fishery resources and habitats in the project area and the assessment of potential adverse impacts associated with the proposed activities are adequate. The adverse impacts associated with the project are being mitigated in conjunction with the Port Manatee expansion project (Department of the Army permit number 199801210[IP-MN]). Therefore, we do not have any additional comments to make on the EA or objections to the proposed action.

Pursuant to the Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act, no further coordination is necessary unless the project design is modified and you determine that implementation of those revisions could result in adverse impacts to EFH and dependent fishery resources. We appreciate the opportunity to provide you with our comments. If you have any questions, please contact Mr. Mark Thompson of our Panama City Office at 850/234-5061.

Sincerely,



Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

cc:
FSER4



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