

MANATEE BIOLOGICAL EVALUATION
October 2008

The Corps has determined that your project has the potential to affect the endangered West Indian manatee. Therefore, pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the Corps is required to seek consultation from the U.S. Fish and Wildlife Service for the proposed project. In order to assist us in making our final effect determination, we need you to provide us with information for items 4-8 below:

1. Description of the action considered: The proposed project consists of_____.
2. Description of the specific areas that may be affected by the action (scope of analysis):
 - a. The proposed "action area"¹ is determined to be all or a portion of reach(es) _____, based on the overall project purpose which is _____.
 - b. The project site is located within which regional management unit of the West Indian manatee? (circle response)
 - (1) Atlantic (east coast of Florida from St. Mary's River south to Cape Sable in Monroe County, and the lower St. Johns River from its mouth south to Rice Creek in Putnam County)
 - (2) Upper St. Johns River (Rice Creek in Putnam County south to State Road 528 in Orange and Brevard Counties)
 - (3) Southwest Florida (west coast of Florida from Pasco County south to Cape Sable in Monroe County)
 - (4) Northwest Florida (west coast of Florida from Hernando County north and west to the Perdido River in Escambia County)
3. Description of any designated critical habitat that may be affected by the action. The action may affect the endangered West Indian manatee, but not affect its critical habitat.
4. Description of the manner in which the action may affect the manatee or its critical habitat:
 - a. Habitat. Check those that would apply to within 1-mile of the project site and a brief description.

¹ The "action area" is defined as the area to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. Direct effects are those effects that are caused by or will result from the proposed action. Indirect effects are those effects that are later in time.

- (1) Source of warm water input to the area?
- (2) Source of fresh water input to the area?
- (3) Does submerged or emergent aquatic vegetation or mangrove or algae occur within the footprint of the project and in the area of ingress-egress to the project site? If mangrove or emergent vegetation is present, provide a description, including type and location. For submerged aquatic vegetation (SAV), a survey during the growing season is highly recommended. For SAV, excluding Johnson's seagrass, the growing season extends from June 1 to September 30. The growing season for Johnson's seagrass is from April 1 to August 31. For freshwater SAV, such as *Vallisneria*, the growing season varies by location.
- (4) Are existing depths greater than -3 feet mean low water or ordinary high water in the footprint of the project and the surrounding area?

b. Proposed Facility (if existing facility, show proposed change).

- (1) Length of shoreline associated with the proposed or existing facility _____
- (2) Number of proposed slips (wet and dry) _____
- (3) Number of existing (previously authorized wet and dry) slips _____
- (4) Launching facilities: ramp _____, travel lift _____, other _____
- (5) Number of parking spaces for launching facility _____
- (6) Number of estimated launches per day _____

c. Project Influence on Vessel Use Patterns. The project's facilities may affect vessel use patterns in the area by attracting transient traffic or causing modification of existing vessel navigation patterns.

- (1) Are there existing studies or reports that describe boating activities, vessel traffic, or compliance with speed zones in the action area? If yes, provide references as appropriate.
- (2) The proposed facility will provide the following services:
 - (a) Permanent moorings (leased on an annual or monthly basis) for:
 - _____ commercial use (including fishing vessels, charter boats, rental boats, etc.). Number of slips _____
 - _____ non-commercial use (including privately-owned recreational boats). Number of slips _____
 - (b) Transient moorings (leased or used on a daily basis) for:
 - _____ Temporary berths: Number of slips _____
 - _____ Type of use: Fuel _____ Pump-out _____ Other _____

(3) What is the estimated number of slips used for the following?

- (a) Used primarily for day trips _____
- (b) Used primarily for longer trips _____
- (c) Used primarily for dockside entertainment _____

d. Speed Zones. It is important to consider the presence and effectiveness of on-going enforcement activities within the action area.

Is the project in a State-established manatee speed zone or Federal manatee refuge? (If not, how close is the nearest speed zone? _____ miles)

5. Relevant reports, including any environmental impact statement, environmental assessment, or biological assessment prepared. Provide any relevant reports prepared for this project.
6. Any other relevant information available on the action, the manatee and its critical habitat. Provide any other information available that would assist in our review of the effects your proposal may have on the manatee or its critical habitat, including specific actions you may propose to eliminate or minimize potential effects on the manatee and its critical habitat.
7. A Florida Fish and Wildlife Conservation Commission (FWC) Manatee Impact Review. Provide a copy of the review, if applicable or available. Notify the Corps if the project is exempt from State permitting, regulatory review or authorized under a Noticed General Permit.
8. Additionally, for projects within counties having a State-approved Manatee Protection Plan (MPP), a determination of project consistency with the MPP is needed. The FWC typically makes the determination and includes it in its Manatee Impact Review. The following counties have State-approved MPPs: Brevard, Broward, Citrus, Clay, Collier, Duval, Indian River, Lee, Martin, Miami-Dade, Palm Beach, St. Lucie, Sarasota and Volusia. All State-approved MPPs are available for download at: www.myfwc.com.
 - a. If there is a FWC Manatee Impact Review available at the time of your application submission, include a copy of the review.
 - b. If the FWC review is not available at the time of application submission, you may attempt your own consistency determination and submit it with your application. If you do this, provide the supporting information and MPP reference which you believe makes your project consistent with the MPP for your county. In some cases, the supporting information may include a county MPP consistency letter. If so, submit it as part of your determination.