



United States Department of the Interior

U. S. FISH AND WILDLIFE SERVICE

7915 BAYMEADOWS WAY, SUITE 200
JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:
FWS Log No. 41910-2013-F-0148

August 22, 2013

Colonel Alan M. Dodd
District Commander
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Dodd:

This document transmits the U.S. Fish and Wildlife Service's (Service) technical assistance to the proposed Flood Control and Coastal Emergency (FCCE) sand placement and navigation dredging projects in order to avoid exceeding the take previously authorized for the FCCE projects under the Statewide Programmatic Biological Opinion (SPBO). Additional guidance provided in this correspondence will further assist the U.S. Army Corps of Engineers (Corps) and ensure that authorized take is not exceeded and future reinitiation for the FCCE projects is not necessary. The Corps determined in letters to the Service (two dated April 4, one of April 5, and one of May 20, 2013) that various proposed projects located in North Florida Ecological Services Field Office (NFESFO) and South Florida Ecological Services Field Office (SFESFO) areas of authority "may affect" the threatened loggerhead sea turtle (*Caretta caretta*), endangered leatherback sea turtle (*Dermochelys coriacea*), endangered green sea turtle (*Chelonia mydas*), endangered hawksbill sea turtle (*Eretmochelys imbricata*), and endangered Kemp's ridley sea turtle (*Lepidochelys kempii*); "may affect, but are not likely to adversely affect" the endangered West Indian manatee (*Trichechus manatus*) and the threatened piping plover (*Charadrius melodus*); and would have "no effect" on the Southeastern beach mouse (*Peromyscus polionotus niveiventris*) and the Anastasia Island beach mouse (*Peromyscus polionotus phasma*). This letter is provided in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

PROJECT DESCRIPTION

The Corps proposes to conduct FCCE beach nourishment or navigation dredging projects in Brevard, Broward, Dade, Duval, Lee, Manatee, Martin, Monroe, Palm Beach, Pinellas, St. Johns, St. Lucie, and Volusia Counties, Florida. Using a cutterhead, hopper, or clamshell dredge, the authorized volume of beach compatible material will be dredged from an authorized borrow area or navigation channel, placed in authorized fill templates, and graded to the authorized profile using bulldozers. Non-beach compatible material may be placed in nearshore waters or in an offshore dredge material disposal site.

The proposed projects will take place during day and nighttime hours with a proposed construction time frame varying from three to seven months. All staging areas and beach access corridors will be sited to avoid impacts to upland habitat to the extent possible.

The action area is defined as all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action. The Service identifies the action area to include the staging areas, pipeline corridors, beach access corridors, offshore borrow areas, sand placement fill templates, downdrift areas, and navigation channel dredge templates associated with the proposed FCCE projects. The intent of the proposed FCCE projects is to address shoreline erosion and navigation channel shoaling due to damage incurred from Tropical Storm Debby or Hurricane Sandy.

APPLICATION OF THE SPBO AND P3BO

In correspondence dated July 2, 2013, the Service determined that the SPBO and the Programmatic Piping Plover Biological Opinion (P3BO) are appropriate to apply to the proposed FCCE projects. However, based on recent green turtle nesting in 2013, the Service has determined that extended monitoring and relocation dates are appropriate to avoid exceeding the take provided in the SPBO. The type of take authorized in the SPBO is listed below:

(1) destruction of all nests that may be constructed and eggs that may be deposited and missed by a nest survey and egg relocation program within the boundaries of the project areas; (2) destruction of all nests deposited during the period when a nest survey and egg relocation program is not required to be in place within the boundaries of the projects; (3) reduced hatching success due to egg mortality during relocation and adverse conditions at the relocation site; (4) harassment in the form of disturbing or interfering with female turtles attempting to nest within the sand placement areas or on adjacent beaches during and after sand placement or construction activities; (5) misdirection of nesting and hatchling turtles on beaches adjacent to the sand placement or construction area as a result of project lighting including the ambient lighting from dredges; (6) behavior modification of nesting females due to escarpment formation within the project area during a nesting season, resulting in false crawls or situations where they choose marginal or unsuitable nesting areas to deposit eggs; and (7) destruction of nests from escarpment leveling within a nesting season when such leveling has been approved by the Service.

The Service includes in the SPBO an estimate of the percent of sea turtle nests that may be missed during the nesting survey (7 percent) and possibly buried. Due to the high number of green turtle nests in 2013 and their late nesting, the Service provides the following revised monitoring and relocation dates to assist the Corps in not exceeding the take provided in the SPBO.

Pinellas, Lee, Manatee, and St. John's Counties: Nest survey and relocation daily until September 30th. If construction begins on October 1st or later, nest surveys and relocation must begin 65 days prior to construction. If project begins at or after December 15th, no 2013 survey and relocation required.

Brevard, St. Lucie, and Broward Counties: Nest survey and relocation daily until November 15th. If construction begins on November 16th or later, nest surveys and relocation must begin 65 days prior to November 15th. If project begins at or after December 31st, no 2013 survey and relocation required.

Palm Beach County: Nest survey and relocation daily until October 31st. If construction begins on October 31st or later, nest surveys and relocation must begin 65 days prior to October 31st. If project begins at or after December 20th, no 2013 survey and relocation required.

Given the increased number of green turtle nests that will require relocation, the Service provides additional technical assistance to the Corps in order to meet Term and Condition A9a(ii) in the SPBO:

*Only those nests that may be affected by sand placement activities will be relocated. Nest relocation shall not occur upon completion of the project. Nests requiring relocation shall be moved **no later than 9 a.m. the morning** following deposition to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. Relocated nests shall not be placed in organized groupings. Relocated nests shall be randomly staggered along the length and width of the beach in settings that are not expected to experience daily inundation by high tides or known to routinely experience severe erosion and egg loss, predation, or subject to artificial lighting. Nest relocations in association with construction activities shall cease when construction activities no longer threaten nests.*

For projects that will begin construction prior to September 11, 2013, that will occur in high density green turtle nesting areas (Brevard, St. Lucie, Palm Beach, and Broward Counties), the Service would like to review the local sponsor's Nesting Survey and Relocation Plan (Plan) for each project prior to the pre-construction meeting. Each Plan must include the following:

1. The number of estimated nests that can be successfully relocated per day outside the project area prior to 9AM;
2. Capacity to handle these numbers of nests with sufficient personnel and equipment;
3. Protocol and protection for nests where the eggs are not found and therefore not relocated prior to 9AM;
4. Protocol for marking nests prior to day 65 that might remain in the beach at project start-up; and
5. Coordination plan to address sea turtle protection issues that arise during project construction. This plan must include contacting FWC and FWS staff immediately if impacts occur to a nesting female, hatchling, or sea turtle nest (consistent with Term and Condition A23 of the SPBO).

Locating the clutches for green turtle nests can be more difficult and time-consuming than for loggerhead turtle nests. Therefore, we recommend that the local sponsors include in their Plan a provision for nighttime monitoring to ensure that all nests can be located and moved prior to 9AM. If the time of oviposition is recorded, nest relocation may occur after 9AM but within the 12-hour window as long as the air temperature does not exceed 29 degrees Celsius (84.2 degrees Fahrenheit).

We recommend that nighttime surveys for green sea turtles be conducted from 9PM until 6AM, that the project area be surveyed at 1.5-hour intervals, and that eggs be relocated per the requirements listed in the SPBO.

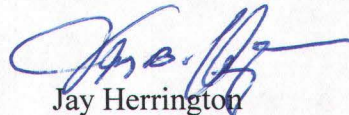
REINITIATION NOTICE

This concludes formal consultation on the actions outlined in the request. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if:

1. The amount or extent of incidental take outlined in the SPBO or the May 2, 2013, letter is exceeded. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation;
2. New information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion;
3. The agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or,
4. A new species is listed or critical habitat designated that may be affected by the action.

Thank you for your cooperation in the effort to conserve fish and wildlife resources. Should you have additional questions or require clarification regarding this letter, please contact Terri Calleson at 904-731-3286.

Sincerely,



Jay Herrington
Acting Field Supervisor

cc: electronic only

Corps, Jacksonville, Florida (Ken Dugger)
DEP, Tallahassee, Florida (Lanie Edwards)
FWC, Tallahassee, Florida (Robbin Trindell)
NMFS, St. Petersburg, Florida (Cathy Tortorici)
Service, Vero Beach, Florida (Jeff Howe)
Service, Panama City, Florida (Patty Kelly)
Service, St. Petersburg, Florida (Ann Marie Lauritsen)