

4. A meeting or conference call among appropriate agencies and parties shall be held prior to initiation of construction for all beach nourishment events authorized by this permit.
5. Pre- and post-project red knot and shorebird monitoring shall be conducted, and results and analysis will be reported to the Service annually.

TERMS AND CONDITIONS

In order to be exempt from the prohibitions of section 9 of the Act, the Corps shall comply with the following T&Cs, which implement the RPMs, described above and outline monitoring/reporting requirements. These T&Cs are nondiscretionary. T&Cs apply to projects authorized under reissued RGP-93 at the following sites: Nassau County, Sawpit; St. Johns County, St. Augustine Inlet Intersection R-123 to R-152; Volusia County, Volusia/Ponce and MSA Offload; and Martin County, Crossroads

1. Only beach-compatible fill shall be placed on the beach or in any associated dune system. Beach compatible fill must be sand that is similar to a native beach in the vicinity of the site that has not been affected by prior sand placement activity. The fill material must be similar in both coloration and grain size distribution to that native beach. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system. Fill material shall comply with FDEP requirements pursuant to the Florida Administrative Code (FAC) subsection 62B-41.005(15). If a variance is requested from FDEP, the Service must be contacted to discuss whether the variance is acceptable. A Quality Control Plan shall be implemented pursuant to FAC Rule 62B-412.007(2)(j).
2. All derelict concrete, metal, and coastal armoring geotextile material, and other debris shall be removed from the beach to the maximum extent possible prior to any sand placement.
3. Red knot habitat (intertidal areas, unvegetated beaches, mud and sand flats, emergent shoals, spits) adjacent to or outside of construction areas, shall be avoided to the maximum extent practicable when staging and storing equipment, establishing access and travel corridors, and aligning pipelines.
4. Driving on the beach for construction shall be limited to the minimum necessary and, if outside the immediate beach nourishment area (for example, in cases where beach access is away from the active beach nourishment site), shall be within designated travel corridors established just above or just below the primary wrack line.
5. Predator-proof trash receptacles shall be installed and maintained during construction at all beach access points used for project construction, to minimize the potential for attracting predators of red knots and other shorebirds. Workers shall be briefed on the importance of not littering and keeping the action area trash and debris free.
6. Educational signs shall be installed at appropriate public access points near or within the project area citing the importance of the beach habitat and wrack for red knots, piping plover and other shorebirds, and importance of minimizing human disturbance. If the project area has a pet or dog

regulation, the provisions of the regulation shall be included on the educational signs. Locations and content of signs must be approved in advance by the Service.

7. A meeting to discuss project requirements for the red knot between representatives of the Service, FWC, Corps, FIND, the shorebird surveyor, and other species surveyors as appropriate, shall be held prior to the commencement of construction for beach placement events. Note that while meetings regarding the red knot are required at only the four beach placement sites listed above, similar meetings are required for all sites under the 2015-SPBO. A conference call may be held instead of a meeting if agreed to by all parties. Notification of the meeting shall occur at least 10 business days prior to its occurrence. At the meeting the Corps shall confirm: 1) the project location (including the FDEP Range Monuments and latitude and longitude coordinates); 2) project details including linear feet of beach that will be affected, actual fill template, access points, and pipeline routes; 3) anticipated date of commencement and anticipated duration of construction; and, 4) names and qualifications of personnel involved in red knot and shorebird surveys.

8. To monitor the extent of take, surveys of red knots and of other shorebirds are required as follows.

a. The Corps shall monitor occurrence of red knots within the project area as follows:

For one full red knot migration and winter season (beginning July 15 to May 15) prior to construction, and 2 years following each sand placement event, bimonthly (twice-monthly) surveys for red knots shall be conducted in the beach placement areas and in any other beach or shoreline areas within or affected by the project. If a full season prior to construction is not available, at least 5 consecutive months with three surveys per month spaced at least 9 days apart are required. During emergency project events, the surveys will begin as soon as possible prior to, and up to implementing the project.

b. The person(s) conducting the survey must demonstrate their qualifications and ability to identify shorebird species and be able to provide the information listed below.

c. Monitoring and reporting of red knot and other non-breeding shorebirds will be consistent with protocols and data sheet formats developed for the FWC non-breeding shorebird database (Appendix A). Since red knot occurrence may be limited and sporadic for some sites, twice monthly surveys may fail to accurately document their use of a site or project impacts to favored habitat. Presence and abundance of more common shorebirds may act as surrogates for understanding project impacts on the red knot. This is especially those species that feed in a similar manner, by probing the sand in the intertidal zone for invertebrate prey.

Circumstances may arise where the alteration or waiving of monitoring under this T&Cs may be appropriate. (For example, where near shore placement of sand is chosen as an alternative to beach placement; where complications stem from use of a beach placement site by multiple projects; where detailed results of prior pre- and post-project bird surveys for similar prior sand placement actions at the site are available; or where site conditions prior to proposed placement are so unfavorable that pre-project surveys would be of little value.) In such cases the Service must approve of any modification of the stated T&Cs. Any request to alter or waive pre-project surveys should be provided with ample time for the request to be considered and required surveys to occur if the request is not approved.

9. By July 31 of each year following wintering bird surveys, a report regarding red knot and other shorebird occurrence shall be forwarded to the Service (at JAXREGS@fws.gov). In addition to providing wintering survey data through May 15 of the current year, a brief summary shall address: any discernable trends in pre-construction, during construction, or post-construction beach use by feeding and roosting red knots; the location of any identified feeding or roosting areas of importance; and, any significant sources of disturbance to red knots encountered. A final report, covering the final year of shorebird monitoring shall include conclusions reached regarding red knot distribution and abundance on in the project area prior to and after the project. Once online entry is available, all annual wintering shorebird survey data shall also be entered into the FWC's on-line database.

10. Upon locating injured, sick, or dead red knot, initial notification should be made to FWC Wildlife Alert at 1-888-404-FWCC (3922) and the Service's North Florida Ecological Services Field Office at 904-731-3336. Care shall be taken in handling injured red knots to ensure effective treatment or care, and in handling dead specimens to preserve biological materials in the best possible state for potential analysis into cause of death.

COORDINATION OF INCIDENTAL TAKE STATEMENT WITH THE MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA), as amended (16 U.S.C. 703 et. seq.) implements various treaties and conventions between the U.S., Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under the provisions of the MBTA, it is unlawful "by any means or manner to pursue, hunt, take, capture or kill any migratory bird except as permitted by regulations issued by the Service. The term "take" is not defined in the MBTA, but the Service has defined it by regulation to mean to pursue, hunt, shoot, wound, kill, trap, capture or collect any migratory bird, or any part, nest or egg or any migratory bird covered by the conventions or to attempt those activities.

All sand placement events have the potential to impact nesting shorebirds protected under the MBTA (16 U.S.C. 701 et seq.). In order to comply with the MBTA and address the potential for the project to impact nesting shorebirds, the FIND shall comply with the FWC standard shorebird protection guidelines to protect against impacts to nesting shorebirds during implementation of the project.

The Service will not refer the incidental take of red knots associated with permitted projects under the RGP-93 for prosecution under the MBTA, as amended (16 U.S.C. 703-712), if such take is in compliance with the T&Cs specified here.