

We have considered the two recommendations presented in your letter of August 22, 1996, and have adopted the standard Manatee protection conditions. However, we disagree with the second recommendation for a construction window for Manatees for the following reasons:

a. No mortalities have ever been recorded from maintenance dredging in general (Manatee Recovery Plan). According to Corps' records, we have never taken, injured, or harmed a manatee either by the dredging equipment or by auxiliary vessels. This is due to the Corps totally embracing the standard manatee conditions which includes making the contractors aware of the legal and contractual requirements. We have inspectors at each of our sites to insure compliance with these conditions. We do not see how mortalities could occur from the dredging operation if the equipment is shut down in the presence of manatees. The auxiliary vessels operate less frequently than recreational vessels in the area and under more constraints, therefore, even if the dredging is occurring in a populated area we believe that based on our proven record and current operating conditions that mortalities would not occur.

b. The project area is segregated from the TECO power plant's warm water outfall. During our most recent visit to the project area on August 9, 1996, with FWS Biologist Ms. Debra Manz, Florida Department of Environmental Protection Biologist, Mr. Allen Burdett, and Tampa Bay Audubon Society Area Manager, Mr. Rich Paul, we examined the TECO outfall and project turning basin. We observed a pile bulkhead segregating the warm water outfall area from the turning basin. This bulkhead is connected to an island that lies adjacent to the project navigation channel.

c. We also entered the turning basin area and looked for seagrass beds. None were found. No seagrass beds are located within the project area. We do agree that other seagrass beds are located north of the project area but during the winter months, manatees would likely stay congregated at the outfall. If they do wander, the incident of contact is minimized by the island and bulkhead barrier. The alternative you present us appears to increase impacts to manatees based on the information rather than reduce them. If we dredge the inner channel (that area which is most segregated from the manatees during the winter months), then, when we would be conducting dredging in the outer channel during the warmer times of the year, manatees would be more likely to be wondering into our area.

d. The manatee window would significantly limit our ability to construct the project. If we tried to implement both dredging windows, there would not be enough construction time. We have weighed the impacts to migratory

bird nesting versus impacts to manatees. We believe that impacts of working during the migratory bird nesting season (April 1 through August 31) are almost certain and are of more concern than the undocumented and unlikely impacts on Manatees even during the "winter period" (November 15 through March 31).

Your comments stated that if these recommendations were not possible, that additional conditions be implemented during construction to protect manatees which included a FWS-approved observer be onboard during the November-March 31 timeframe and that all service boats be fitted with propeller guards. We have agreed to implement these conditions.

Thank you for your comments and assisting the Corps in the evaluation of this project. If you have any questions, Mr. Bill Fonferek is the technical manager for this action. His telephone number is 904 232-2803.

Sincerely,

George M. Strain
Acting Chief, Planning Division

Copy furnished:

David Hankla, Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Boulevard, Jacksonville Florida 32216

Ms. Debra Manz, US Fish and Wildlife Service, McDill AFB, PO Box 19247, Tampa, Florida 33686-9247

J Fonferek/CESAJ-PD-ER/2803/ljd *Pod*

D Dugger/CESAJ-PD-E

S Smith/CESAJ-PD E

B Bailey/CESAJ-PF-PN

M Murphy/CESAJ-DP-I

B BiChiara/CESAJ-CO

G Strain/CESAJ-PD

word:group/pde/usfws.ltr



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES
Governor

August 29, 1996

JAMES F. MURLEY
Secretary

Mr. Bill Fonferek
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: U.S. Department of Defense - Navigation Projects - Draft
Navigation Study for Tampa Harbor - Big Bend Channel -
Feasibility Report and Environmental Assessment
SAI: FL9607180575C

Dear Mr. Fonferek:

The Florida State Clearinghouse has received your notification of the above-described project, and has forwarded it to the appropriate state agencies for review. In order to receive comments from all agencies, an additional fifteen days is requested for completion of the review. Therefore, the clearance letter due date for this project will be extended from September 2, 1996, to September 17, 1996. If all comments are received prior to the extended date, every effort will be made to forward the clearance letter to you at an earlier date.

Thank you for your understanding. If you have any questions regarding this matter, please contact Ms. Keri Akers, Clearinghouse Coordinator, at (904) 922-5438.

Sincerely,

for Ralph Cantral, Executive Director
Florida Coastal Management Program

RC/cc

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

FLORIDA KEYS AREA OF CRITICAL STATE CONCERN
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2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227

SOUTH FLORIDA RECOVERY OFFICE
P.O. Box 4022
8600 N.W. 36th Street
Miami, Florida 33159-4022

GREEN SWAMP AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
155 East Summerlin
Bartow, Florida 33830-4641

1 AUG 26 1996



CITY OF TAMPA

Department of Sanitary Sewers

Howard F. Curren
Advanced Wastewater Treatment Plant

August 21, 1996

Department of the Army
Jacksonville District Corps of Engineers
Planning Division
Environmental Branch
Attention: A.J. Salem, Chief, Planning Division

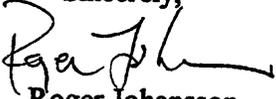
Dear A.J. Salem:

After reviewing *Navigation Study For Tampa Harbor- Big Bend Channel-10128 Feasibility Report and Environmental Assessment* draft, several issues in the draft which are of concern are presented.

1. Please note that Whiskey Stump Key is between the existing barrow pits (dredged holes) and not to the east as indicated in Figure 10 (p. 53).
2. Regarding Beneficial Use Plans of dredge material disposal in the barrow pits around Whiskey Stump Key (p.54, paragraph 2), the possible supplementation of fines for suitable material and then capping with a minimum of one foot (or up to 3 to 6 feet) of suitable material is of concern. It should be demonstrated the suitable material would not displace the already accumulated or supplemented fines over the short and/or long term period.
3. Section 3.3.2, paragraph b on page EA-10 of the Environmental Assessment draft states that no seagrasses are located near the Big Bend Channel. In 1995, the City of Tampa, Bay Study Group documented *Halodule wrightii* (shoalgrass) on the northern and western shore of Adamsville peninsula (the peninsula north of East Channel and east of the turning basin). In addition, the eastern emergent spoil island now contains shoalgrass on the northern and eastern flats as well as the coverage described on page 4 (Open Water Spoil Sites) of the Fish and Wildlife Coordination Act Report. Also, sparse shoalgrass is present in a narrow channel between the shoal area just west of the Inner Channel and the spoil island located on the north side of the discharge channel for Tampa Electric's Big Bend power generating station.
4. Section 4.3.2, paragraph b on page EA-14. Refer to item 3 of this correspondence.
5. Section 4.4.2, paragraph b on page EA-15. Refer to item 3 of this correspondence. Also, there are numerous patches of shoalgrass located on the south side of Sunken Island, beginning midway along the island and extending east to near the tip of the island.

6. Section 4.5.2, paragraph b on page EA-17. Refer to item 3 of this correspondence. Also, there is considerable shoalgrass coverage on the east side of Whiskey Stump Key and in the embayment known as The Kitchen. Patchy shoalgrass exists on the northern and western flats of Whiskey Stump Key.
7. Section V. (Fish and Wildlife Observations) on page 3 of the Fish and Wildlife Coordination Act Report (Exhibit II) states that a seagrass study performed by the Southwest Florida Water Management District reported no seagrass in this section of Tampa Bay. Please cite this reference.
8. Page 404-5 of the Section 404(b)(1) Evaluations in Exhibit VI, line (d) states that no vegetated shallows would be affected on Sunken Island. Figure 10 (p.53) indicates that shoalgrass on the southern flats, midway along the island, may be impacted.
9. Page 404-5 of the Section 404(b)(1) Evaluations in Exhibit VI, line (d) states that no vegetated shallows would be affected on Whiskey Stump Key. Please see item 5 of this correspondence.

Enclosed with this letter is a copy of our 1996 annual report to the Florida Department of Environmental Protection. Upon review of this document, you will see that the southeastern portion of Hillsborough Bay is recovering from years of environmental pressure and presently contains nearly two thirds of the 30 hectares of shoalgrass found Hillsborough Bay. If you proceed with your project, please consider the concerns discussed here. If your department requires any additional information or assistance, feel free to call me at (813) 247-3451.

Sincerely,

Roger Johansson
Chief Biologist
City of Tampa, Bay Study Group

cc. Rich Paul
Enclosure

September 10, 1996

Planning Division
Environmental Branch

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

Dear Ms. Akers:

This is to confirm our agreement with the Department of Environmental Protection (DEP) regarding the special condition we will implement on the Tampa Harbor - Big Bend project (FL9607180575C) in order to protect manatees.

On September 9, 1996, we had a telephone conversation with representatives of DEP and your office to discuss conditions proposed by DEP (Encl 1). After review of these conditions, we requested a modification to Condition No. 5 (encl 2). On September 10, 1996, we had a second conversation with representatives of both State offices to discuss this modification (encl 3). As a result of this conversation, we have reached a determination that the modification to Condition No. 5 as well as the other conditions will be incorporated into the project.

If you have any questions, please feel free to contact me at the above address. If there is anything we can do to expedite your comments, let us know as completion of our report and submittal to a higher authority is one of the Districts top priorities.

Sincerely,

George M. Strain
Acting Chief,
Planning Division

Enclosures

Copy Furnished (w/enclosures):

Ms. Mary Duncan, Office of Protected Species, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 245, Tallahassee, Florida 32399

bcc:

CESAJ-PD-PN

CESAJ-DP-I

Fonferek/CESAJ-PD-ER/2803/ljd *ljd*

Dugger/CESAJ-PD-ER

Smith/CESAJ-PD-E

Strain/CESAJ-PD

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Post-it* Fax Note	7671	Date	# of pages ▶
To	George Stein/B.H. [unclear]	From	Mary Duncan
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

DATE: September 9, 1996

TO: Lindy Broz
Office of Intergovernmental Programs

FROM: Mary Duncan Environmental Specialist
Protected Species Management
Division of Marine Resources

SUBJECT: Manatee Impact Review; SAI #96-0575C;
Tampa Harbor-Big Bend Channel deepening and widening project

This correspondence is a revision of my August 28, 1996 comments by electronic mail, and the subsequent response to those comments by the Army Corps of Engineers. As per our conference telephone call today, there is an outstanding issue with the recommendation to prohibit dredging at night during "manatee season" near the Port. Due to a conflict between bird nesting season and the amount of time needed to perform the activity, the Corps requested that we reevaluate the need for this prohibition. The recommendation of no work during the winter season is unacceptable to the Corps.

It appears that the use of a hydraulic, pipeline dredge with a cutterhead is the method of choice for cost estimating purposes, according to page EA-4 of the submittal. Due to the depth of the dredge (34 - 41 feet), the fact that it does not continually move through the water column, and does not require frequent barge/tugboat trips, it is our opinion that this is the method of choice for offsetting potential impacts to manatees. With this type of dredge, the remaining potential impacts are from ancillary vessels associated with work crews and equipment. There is, however, a requirement for the Corps to bid out the project to all types of equipment, including clamshell dredges. Because this type of dredge moves up and down through the water column to remove material, the potential for encountering a manatee increases. It is probable that manatee observers would be able to offset this potential impact by halting work in the event a manatee travels in the immediate vicinity of a clamshell dredge operation. The limitation with manatee observers, however, is the inability to spot manatees at night. Even under the best circumstances during the daytime it is possible to miss animals that are present since they only surface for a few seconds to breathe.

The potential to adversely impact manatees varies widely depending on the type of equipment used. Accordingly, we would like to revise our comments to request the following recommendations.

Lindy Broz
September 9, 1996
Page 2

We do not object to this project if the following conservation measures are incorporated into any authorization:

- 1) The standard manatee protection construction conditions are followed for all in-water construction, including transfer of spoil by barge/tugboat; and
- 2) All vessels associated with the project install and maintain propeller guards;
- 3) All vessels associated with the project travel at idle speed while traversing to, in and from the project site;
- 4) If clamshell-type dredges are used for the project between November 15 and March 31, no in-water work shall occur after sunset. Experienced, dedicated manatee observers shall be used during all daytime in-water work. Manatee observers must also be pre-approved by the Bureau of Protected Species Management;
- 5) Work may be halted immediately upon the request of a representative of the Department should, as a result of this project, any person, at any time, by any means or in any manner, intentionally or negligently, annoy, molest, harass, or disturb any manatee.

The project preference for the hydraulic dredge is a result of the project location's proximity to an important warm water aggregation area. The additional measures for a clamshell-type dredge for this project should not be misconstrued as requirements for potential dredging activities in other locations of Tampa Bay.

These measures are considered necessary in order for this project to not significantly affect the conservation of wildlife. The conclusion of this opinion is based on information available during review. If new information reveals impacts to protected species and/or their habitat that is not considered in this opinion, this biological opinion may be revised. Please do not hesitate to call me at (904) 922-4330 if you have any questions.

Lindy Broz
September 9, 1996
Page 3

Lindy and Mary,

Letter looks great. Reviewed by Bill Fonferek, Ken Dugger, Bo Smith, and George Strain. Request one modification.

Please change the language in measure number 5 to read "Work shall be halted and reconsultation with the U.S. Fish and Wildlife Service will be initiated should, as a result of this project, any person, at any time, by any means or in any manner, intentionally or negligently, annoy, molest, harass, or disturb any manatee."

No incidental take is allowed for the manatee so the Biological Opinion from the F&WS states that we will stop work and reconsult if we "take" a manatee. Standard manatee protection criteria will be followed and include contacting the Florida Marine Patrol "Manatee Hotline" and the U.S. Fish and Wildlife Service. We will add the contact of your choice to our standard criteria for this project. Just let me know who to add and the phone number.

My phone number is 904-232-3847. Do not hesitate to call with any questions concerning this or any other matter. Thanks for the timely response.

Thanks again,
Tim



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES
Governor

JAMES F. MURLEY
Secretary

September 13, 1996

Mr. A. J. Salem
Jacksonville District
Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: Navigation Study for Tampa Harbor - Big Bend Channel - Draft
Feasibility Report and Environmental Assessment -
Hillsborough County, Florida
SAI: FL9607180575C

Dear Mr. Salem:

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. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Department of Environmental Protection (DEP) indicates large numbers of endangered manatees are present in the project area. The DEP notes that the project, as initially proposed in the above-referenced document, is unacceptable because of the likelihood of adverse impacts to manatees. However, the Corps of Engineers (Corps) has agreed to modify the proposed project to incorporate the measures recommended by the DEP, as outlined in the enclosed comments. In addition, the use of a hydraulic dredge instead of a clamshell type dredge is recommended in order to minimize the risk of injury to protected wildlife. All precautions should be taken to avoid impacts to shallow bottoms and areas with submerged aquatic vegetation and to minimize turbidity levels around the dredge site.

The project will require an Environmental Resource Permit prior to the start of construction. Because the proposed widening of the channel may result in impacts to water quality within waters of the state, a variance to the permit may be required. In addition, details

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SOUTH FLORIDA RECOVERY OFFICE
P.O. Box 4022
8600 N.W. 36th Street

GREEN SWAMP AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
155 East Summerlin

Mr. A. J. Salem
September 13, 1996
Page Two

of the dredging methodology, disposal operations, sediment analysis and assessment of potential beneficial uses of the dredged material should be provided to the DEP. Early coordination with the DEP may help to eliminate problems in the permitting process.

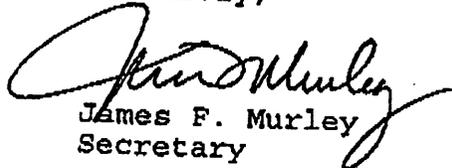
The DEP indicates that the project, as modified by the conditions stated in the Corps' enclosed letter of September 10, 1996, is consistent with its Florida Coastal Management Program (FCMP) authorities. All future changes to the proposed project will be reviewed by the DEP for potential impacts to protected species and their habitat. Please refer to the enclosed DEP comments.

The Southwest Florida Water Management District (SWFWMD) recommends additional analysis of the filling of holes and restoration proposed for the Whiskey Stump Key area. The Corps is advised to contact the City of Tampa regarding the most current seagrass information. Please refer to the enclosed SWFWMD comments.

The Game and Fresh Water Fish Commission (GFWFC) indicates that several listed species occur in the project area. Therefore, measures are recommended for protection of shorebirds, colonial nesting birds, seagrass beds and other significant resources. Please refer to the enclosed GFWFC comments for the specific recommendations.

Based on the information contained in the Draft Feasibility Report and Environmental Assessment and the Corps' satisfactory compliance with all conditions included in the Corps' September 10, 1996 letter, the state has determined that, at this stage, the above-referenced project 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.

Sincerely,


James F. Murley
Secretary

JFM/rk
Enclosures

cc: Lynn Griffin, Department of Environmental Protection
Trisha Neasman, Southwest Florida Water Management District
Bradley Hartman, Game and Fresh Water Fish Commission

Mr. Keri Akers
August 1, 1996
Page 3

Mr. Jeremy Craft, Director
Division of Environmental Permitting
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Tampa Port Authority
P.O. Box 2192
811 Wyncoop Road
Tampa, Florida 33601



FLORIDA GAME AND FRESH WATER FISH COMMISSION



JULIE K. MORRIS
Sarasota

QUINTON L. HEDGEPEETH, DDS
Miami

MRS. GILBERT W. HUMPHREY
Miccosukee

THOMAS B. KIBLER
Lakeland

JOE BRUNER
Destin

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF ENVIRONMENTAL SERVICES
BRADLEY J. HARTMAN, Director
FARRIS BRYANT BUILDING
620 South Meridian Street
Tallahassee, FL 32399-1600
(904) 488-6661
SUNCOM 278-6661
FAX (904) 922-5679
TDD (904) 488-9542

August 1, 1996

RECEIVED
AUG 12 1996

Ms. Keri Akers, Coordinator
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

State of Florida Clearinghouse

RE: SAI# FL9607180575C, Hillsborough
County, Tampa Harbor-Big Bend
Channel Feasibility Report and
Environmental Assessment

Dear Ms. Akers:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission has reviewed the referenced document, and offers the following comments and recommendations.

The Tampa Harbor-Big Bend Channel Feasibility Report and Environmental Assessment is a feasibility study of proposals to widen the existing entrance to the Big Bend Channel from 200 to 250 feet, widen the channel bottom to 200 feet, and increase channel depth to 41 feet. Economic analyses of project benefits and costs, including potential beneficial uses of dredged materials, were performed in the evaluation.

Based on our review of projects within the proposed study area and surveys associated with our regional wildlife habitat planning, the following state-listed species are documented in the study area: West Indian manatee (endangered), least tern (threatened-T), snowy plover (T), loggerhead sea turtle (T), reddish egret (species of special concern-SSC), little blue heron (SSC), tricolored heron (SSC), snowy egret (SSC), white ibis (SSC), black skimmer (SSC), American oystercatcher (SSC), and brown pelican (SSC). The threatened piping plover may overwinter in the project area.

Mr. Keri Akers
August 1, 1996
Page 2

In order to protect regionally significant wildlife resources, our December 20, 1990, recommendations (attached), concerning protection of shorebird and colonial bird nesting areas, protection of shoals utilized by listed bird species as resting areas, and protection of seagrass bed resources, should be addressed.

If you have any questions concerning our comments or recommendations, please contact me or Mr. Jim Beaver at (941) 639-3515.

Sincerely,

Bradley J. Hartman
Bradley J. Hartman, Director
Office of Environmental Services

BJH/JWB
ENV 1-3-2
Enclosure
bigbend2.sai

cc: Colonel Terry L. Rice
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0012

Ms. Debra Manz, U.S. Fish and Wildlife Service
c/o U.S. Army Corps of Engineers
P.O. Box 19247
Tampa, Florida 33686-9247

Mr. Joe Bacheler
Chief, Tampa Regulatory Field Office
U.S. Army Corps of Engineers
P.O. Box 19247
Tampa, Florida 33686-9247



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2303 Highway 44 West
Inverness, Florida 34453-3809
(352) 637-1360

August 23, 1996

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

RECEIVED
AUG 29 1996

State of Florida Clearinghouse

Subject: Department of the Army-Draft Navigation Study for Tampa
Harbor-Big Bend Channel-10128 Feasibility Report and
Environmental Assessment

SAI#: FL9607180575C

Dear Ms. Akers:

The Southwest Florida Water Management District has conducted a consistency evaluation for the referenced project and determined that it is generally consistent with our authorities in the Florida Coastal Management Program. However, the following comments and recommendations are offered.

- 1) The use of dredged material to fill-in holes in the Whiskey Stump Key area is mentioned throughout the report. Our position on this matter is that consideration should be given to filling the holes to various depths to promote the formation of diverse and complex habitats. Opportunities for variety in marine species are greatly increased with diversified habitats.
- 2) Page 57. Regarding the cost (i.e., \$5.2 million) of the restoration in the Whiskey Key area, we are uncertain whether the environmental benefits of the proposed initiative are worth the "price tag." We believe that costs/benefits analyses should be carefully examined for the restoration project to determine whether it is worthy of such a cost. We also encourage the applicant to include an examination of the cost/benefit of filling the holes at various depths (see comment #1) as one of the alternatives in the decision-making for the project.
- 3) The report mentions in page EA-10 and several other pages in the document that there are no seagrasses near the Big Bend Channel. Additionally, there is the statement "We were aware from a published seagrass study performed by the Southwest Florida Water Management District that no seagrass was found in this section of Tampa Bay" in the portion of the report prepared by the U.S. Fish and Wildlife Service (see page 3). Apparently, the District study relied on is not the latest

Roy G. Harrell, Jr.
Chairman, St. Petersburg
Joe L. Davis, Jr.
Vice Chairman, Wauchula
Curtis L. Law
Secretary, Land O' Lakes
Sally Thompson
Treasurer, Tampa
James L. Allen
Bushnell
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James L. Cox
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Peter G. Hubbell
Executive Director
Mark D. Farrell
Assistant Executive Director
Edward B. Helvenston
General Counsel

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Ms. Keri Akers
August 23, 1996
Page Two

Information on this issue because our sources indicate that there are seagrasses near the Big Bend Channel. We recommend that the applicant contact City of Tampa's Roger Johansson (813-247-3451) for the most current information on Big Bend Channel's seagrass situation.

The District appreciates the opportunity to participate in the review of this project. If you have any questions or if I can be of further assistance, please contact me in the District's Planning Department.

Sincerely,



Trisha Neasman, AICP
Government Planning Coordinator

TN

cc: Rand Baldwin, SWFWMD
Brandt Henningsen, SWFWMD-SWIM



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4878
JACKSONVILLE, FLORIDA 32233-0078

September 10, 1996



REPLY TO
ATTENTION OF
Planning Division
Environmental Branch

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

OPTIONAL FORM 99 (7-95)

FAX TRANSMITTAL

of pages 5

To <i>Lindy Brox</i>	From <i>Bill Jorjuck</i>
Basic Agency	Phone #
Fax # <i>904-922-5380</i>	Fax #
NSN 7540-01-311-7000 GPO-107 GENERAL SERVICES ADMINISTRATION	

Dear Ms. Akers:

This is to confirm our agreement with the Department of Environmental Protection (DEP) regarding the special condition we will implement on the Tampa Harbor - Big Bend project (FLD607180575C) in order to protect manatees.

On September 9, 1996, we had a telephone conversation with representatives of DEP and your office to discuss conditions proposed by DEP (Encl 1). After review of these conditions, we requested a modification to Condition No. 5 (encl 2). On September 10, 1996, we had a second conversation with representatives of both state offices to discuss this modification (encl 3). As a result of this conversation, we have reached a determination that the modification to Condition No. 5 as well as the other conditions will be incorporated into the project.

If you have any questions, please feel free to contact me at the above address. If there is anything we can do to expedite your comments, let us know as completion of our report and submittal to a higher authority is one of the Districts top priorities.

Sincerely,

George N. Strain
George N. Strain
Acting Chief
Planning Division

Enclosures

Copy furnished (w/enclosures):

Ms. Mary Duncan, Office of Protected Species, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 245, Tallahassee, Florida 32399

Sep-09-96 03:53P

P. 01

Post-It® Fax Note	7671	Date	
From	George S. [unclear]	To	Mary Duncan
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

DATE: September 9, 1996

TO: Lindy Broz
 Office of Intergovernmental Programs

FROM: Mary Duncan Environmental Specialist
 Protected Species Management
 Division of Marine Resources

SUBJECT: Manatee Impact Review, SAI #96-0576C;
 Tampa Harbor-Big Bend Channel deepening and widening project

This correspondence is a revision of my August 28, 1996 comments by electronic mail, and the subsequent response to those comments by the Army Corps of Engineers. As per our conference telephone call today, there is an outstanding issue with the recommendation to prohibit dredging at night during "manatee season" near the Port. Due to a conflict between bird nesting season and the amount of time needed to perform the activity, the Corps requested that we reevaluate the need for this prohibition. The recommendation of no work during the winter season is unacceptable to the Corps.

It appears that the use of a hydraulic, pipeline dredge with a cutterhead is the method of choice for cost estimating purposes, according to page EA-4 of the submittal. Due to the depth of the dredge (34 - 41 feet), the fact that it does not continually move through the water column, and does not require frequent barge/tugboat trips, it is our opinion that this is the method of choice for offsetting potential impacts to manatees. With this type of dredge, the remaining potential impacts are from ancillary vessels associated with work crews and equipment. There is, however, a requirement for the Corps to bid out the project to all types of equipment, including clamshell dredges. Because this type of dredge moves up and down through the water column to remove material, the potential for encountering a manatee increases. It is probable that manatee observers would be able to offset this potential impact by halting work in the event a manatee travels in the immediate vicinity of a clamshell dredge operation. The limitation with manatee observers, however, is the inability to spot manatees at night. Even under the best circumstances during the daytime it is possible to miss animals that are present since they only surface for a few seconds to breathe.

The potential to adversely impact manatees varies widely depending on the type of equipment used. Accordingly, we would like to revise our comments to request the following recommendations.

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We do not object to this project if the following conservation measures are incorporated into any authorization:

- 1) The standard manatee protection construction conditions are followed for all in-water construction, including transfer of spoil by barge/tugboat; and
- 2) All vessels associated with the project install and maintain propeller guards;
- 3) All vessels associated with the project travel at idle speed while traversing to, in and from the project site;
- 4) If clamshell-type dredges are used for the project between November 15 and March 31, no in-water work shall occur after sunset. Experienced, dedicated manatee observers shall be used during all daytime in-water work. Manatee observers must also be pre-approved by the Bureau of Protected Species Management;
- 5) Work may be halted immediately upon the request of a representative of the Department should, as a result of this project, any person, at any time, by any means or in any manner, intentionally or negligently, annoy, molest, harass, or disturb any manatee.

The project preference for the hydraulic dredge is a result of the project location's proximity to an important warm water aggregation area. The additional measures for a clamshell-type dredge for this project should not be misconstrued as requirements for potential dredging activities in other locations of Tampa Bay.

These measures are considered necessary in order for this project to not significantly affect the conservation of wildlife. The conclusion of this opinion is based on information available during review. If new information reveals impacts to protected species and/or their habitat that is not considered in this opinion, this biological opinion may be revised. Please do not hesitate to call me at (904) 922-4330 if you have any questions.

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Lindy and Mary,

Letter looks great. Reviewed by Bill Fonterek, Ken Dugger, Bo Smith, and George Strain. Request one modification.

Please change the language in measure number 5 to read "Work shall be halted and reconsultation with the U.S. Fish and Wildlife Service will be initiated should, as a result of this project, any person, at any time, by any means or in any manner, intentionally or negligently, annoy, molest, harass, or disturb any manatee."

No incidental take is allowed for the manatee so the Biological Opinion from the F&WS states that we will stop work and reconsult if we "take" a manatee. Standard manatee protection criteria will be followed and include contacting the Florida Marine Patrol "Manatee Hotline" and the U.S. Fish and Wildlife Service. We will add the contact of your choice to our standard criteria for this project. Just let me know who to add and the phone number.

My phone number is 904-222-3847. Do not hesitate to call with any questions concerning this or any other matter. Thanks for the timely response.

**Thanks again,
Tim**

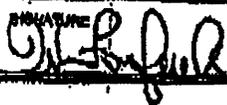
CONVERSATION RECORD

<input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input type="checkbox"/> OUTGOING		TIME 0900	DATE 10 September 1996
Location of Meeting:		ROUTING	
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU Mike Sole Susan Goggin		NAME/SYMBOL INITIALS	
ORGANIZATION (Office, dept., branch, etc.) DEP and State Clearinghouse	TELEPHONE NO. (904) 921-6433		

SUBJECT
Comments on Tampa Harbor - Sig Bend Feasibility Report

SUMMARY
 DEP and Clearinghouse requested a phone conference on their comments on the report. We received a faxed copy of their draft comments on 9-9-96. Mr. Tim Murphy requested a modification to Condition No. 5. Based on that request, the State asked to discuss this condition by conference call. We discussed the condition and agreed to the following: "Work shall be halted and reconsultation with the U.S. Fish and Wildlife Service and the Department of Environmental Protection will be initiated should.....manatee.". We will also add Mary Duncan to the list of people to contact should a taking occur. The Clearinghouse requested this office confirm our agreement to the conditions that were discussed in our telephone conversations and faxed to us.

ACTION REQUIRED
Prepare letter to State.

NAME OF PERSON DOCUMENTING CONVERSATION William J. Fonferek	SIGNATURE 	DATE 9-10-96
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ACTION TAKEN
Prepared

SIGNATURE 	TITLE Biologist	DATE 9-10-96
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