

Planning Division
Environmental Branch

OCT 30 2002

Ms. Georgia Cranmore
Assistant Regional Administrator
for Protected Species
National Marine Fisheries Service
9721 Executive Center Drive, North
St. Petersburg, Florida 33702

Dear Ms. Cranmore:

This is in reference to the Pinellas County Shore Protection Project and the Comprehensive Borrow Area Study.

Enclosed is a Biological Assessment pursuant to Section 7(a) of the Endangered Species Act. The U.S. Army Corps of Engineers (Corps) has determined that the proposed action may affect sea turtles and Gulf sturgeon. Therefore, we are requesting formal consultation with the National Marine Fisheries Service (NMFS) to address potential impacts that the proposed project may have on sea turtles and Gulf sturgeon.

As discussed in the Biological Assessment, the Corps has identified several new borrow areas for the nourishment of Pinellas County beaches. As early as late spring or early summer 2003, the Corps is proposing to use one of the new borrow areas identified. It is our understanding that the NMFS intends to include the new Pinellas County borrow areas in the Regional Biological Opinion (RBO) being prepared for the Gulf Coast. Our office has no objection to this decision. However, if the NMFS anticipates a delay in releasing the final RBO, then the Corps requests that a separate Biological Opinion be prepared to prevent delays in our project schedule.

If you have any questions or need further information, please contact Ms. Yvonne Haberer at 904-232-1701 or by email yvonne.l.haberer@usace.army.mil.

Sincerely,

James C. Duck
Chief, Planning Division

Enclosure

Copy Furnished (w/o encl):

CESAJ-DP-I (Mcmillen)

10-28-02
JA Haberer/CESAJ-PD-EP/1701 *JA 10/21/02*
JA Acosta/CESAJ-PD-EP
Dugger/CESAJ-PD-EG
JA Mason/CESAJ-PD-E *10/28/02*
JA McMillen/CESAJ-DP-I
JA Duck/CESAJ-PD

L:group/pde/haber/PinellasSec7NMFS.doc

**ENDANGERED SPECIES
BIOLOGICAL ASSESSMENT
COMPREHENSIVE BORROW AREA STUDY
PINELLAS COUNTY, FLORIDA**

1. Location.

The project area is located in Pinellas County on the west coast of Florida, near the central portion of the Florida Peninsula, approximately 25 miles west of Tampa (figure 1, location map)

2. Proposed Activity.

The Pinellas County Shore Protection Project has historically obtained beach quality fill from inlet borrow areas and the Egmont Channel Shoal for nourishment of Pinellas County Beaches including, but not limited to, Sand Key, Long Key and Treasure Island. To accommodate future renourishment needs, alternative borrow areas have been identified which are closer to the beach fill sites. A detailed marine biological survey was conducted in 2001/2002 to identify and delineate any marine resources present within the proposed borrow areas. Specific borrow areas being investigated include nine offshore sites (figure 2) and four ebb-tidal shoals of the following passes, Blind Pass, Pass-a-grill Pass, John's Pass, and Clearwater Pass (figure 3). Additionally, this study is investigating a segment of Egmont Channel Shoal (figure 3) and an area within Pass-a-grill Channel (figure 4). The offshore borrow areas are located between 2–6 miles offshore of Pinellas County. Therefore, the proposed dredging could involve the use of a hopper dredge.

3. References.

The Biological Opinions listed below have been prepared for previous shore protection and dredging projects on the Central/Southern Gulf Coast of Florida and are relevant to the proposed activities. Additionally, this Biological Assessment references the Regional Biological Opinion for the Gulf Coast listed below as 3c.

a. National Marine Fisheries Service Biological Opinion dated October 1, 1996, Dredging of Egmont Shoal to Nourish Pinellas County, Florida, Beaches. NMFS, Southeast Regional Office.

b. National Marine Fisheries Service Biological Opinion dated October 26, 1999, Maintenance Dredging of Charlotte Harbor Entrance Channel. NMFS, Southeast Regional Office.

c. National Marine Fisheries Service Biological Opinion (DRAFT) dated November 7, 2001, Maintenance Dredging of Gulf of Mexico Navigation Channels and Sand Mining ("Borrow") Areas Using Hopper Dredges. NMFS, Southeast Regional Office, Protected Resources Division.

4. Listed Species Likely to Occur in the Project Area.

Of the listed species occurring in the action area under National Marine Fisheries Service (NMFS) jurisdiction, the U. S. Army Corps of Engineers (Corps) has determined that the following species may be affected by dredging the proposed borrow areas:

SEA TURTLES:

1. Loggerhead sea turtle - *Caretta caretta*
2. Kemp's ridley sea turtle - *Lepidochelys kempi*
3. Green sea turtle - *Chelonia mydas*
4. Hawksbill sea turtle - *Eretmochelys imbricata*

OTHER:

Gulf of Mexico sturgeon - *Acipenser oxyrinchus desotoi*

Additional endangered species that are known to occur in the Gulf of Mexico include the leatherback sea turtle (*Dermochelys coriacea*), sperm whale (*Physeter catodon*), humpback whale (*Megaptera novaeanglia*), fin whale (*Balaenoptera physalus*), blue whale (*Balaenoptera musculus*), sei whale (*Balaenoptera borealis*), and Northern right whale (*Eubalaena glacialis*).

There has never been a reported take of a leatherback sea turtle associated with a hopper dredging activity. Due to their non-benthic feeding habitats and the unlikelihood of their presence nearshore, the Corps has determined that the leatherback sea turtle is unlikely to be adversely affected by the proposed dredging activities.

Due to the very low likelihood of hopper dredge interaction with the above listed whale species, the Corps has determined that the proposed dredging activities would not have any effect on whales.

CRITICAL HABITAT:

No critical habitat for listed species under jurisdiction of NMFS has been designated in the Gulf of Mexico.

5. Discussion of Potential Impacts to Listed Species.

Sea Turtles and Gulf sturgeon

The potential impacts to sea turtles and Gulf sturgeon that can be associated with hopper dredging and shore protection projects have been discussed at length in the Biological Opinions listed in Section 3 and are incorporated here by reference.

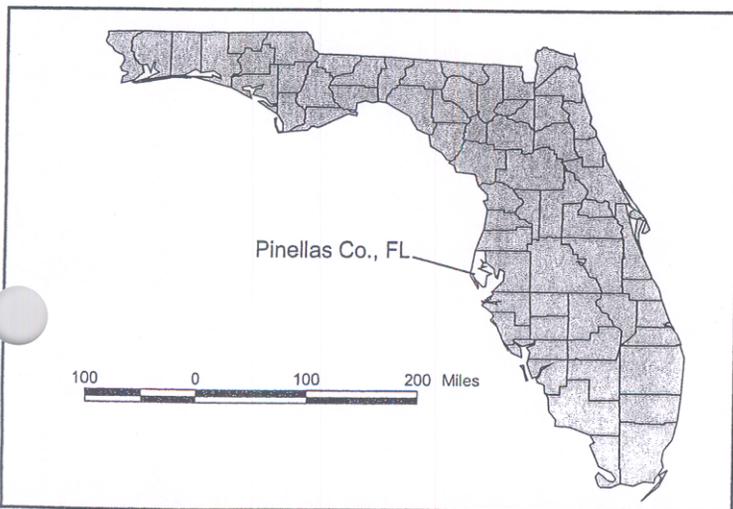
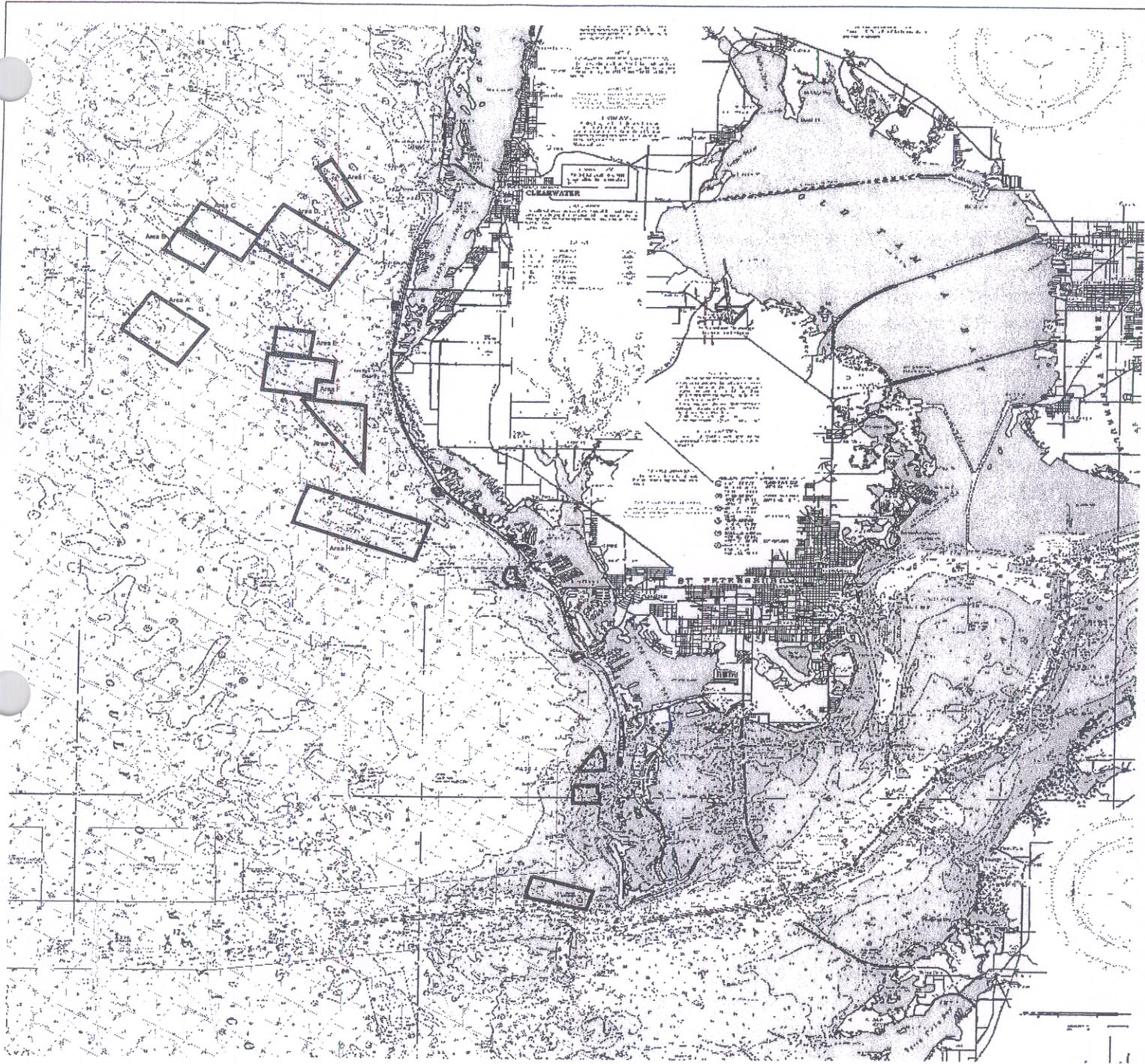
6. Efforts to Eliminate Potential Impacts on Listed Species.

During hopper dredging activities, the Corps will implement the following measures to minimize adverse effects to sea turtles and Gulf sturgeon:

1. The rigid sea turtle deflector draghead will be used on all hopper dredges.
2. Hopper dredging activities will be completed, when possible, between December and March when sea turtle abundance is lowest throughout the Gulf coastal and inshore waters.
3. There will be one hundred percent observer coverage of hopper dredging operations by NMFS-approved observers. Observers will monitor the hopper spoil, screening, and dragheads for sea turtles and Gulf sturgeon.
4. Any sea turtle or Gulf sturgeon takes would be reported immediately to the NMFS SERO and the FDEP.
5. The Corps will advise inspectors, operators and vessel captains about the prohibitions on taking, harming, or harassing sea turtles and Gulf sturgeon, and the civil penalties that apply.
6. For hopper dredges, 100 percent inflow and overflow screening will be required whenever possible.
7. When disengaging dredging pumps, the dragheads must be firmly on the bottom to prevent impingement or entrainment of sea turtles within the water column.
8. The borrow areas have been designed in a way to ensure that dredging will not occur within a minimum of 200 feet from any hardground area.

7. Effects Assessment.

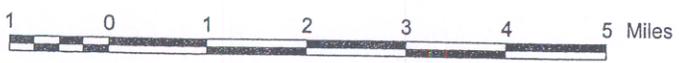
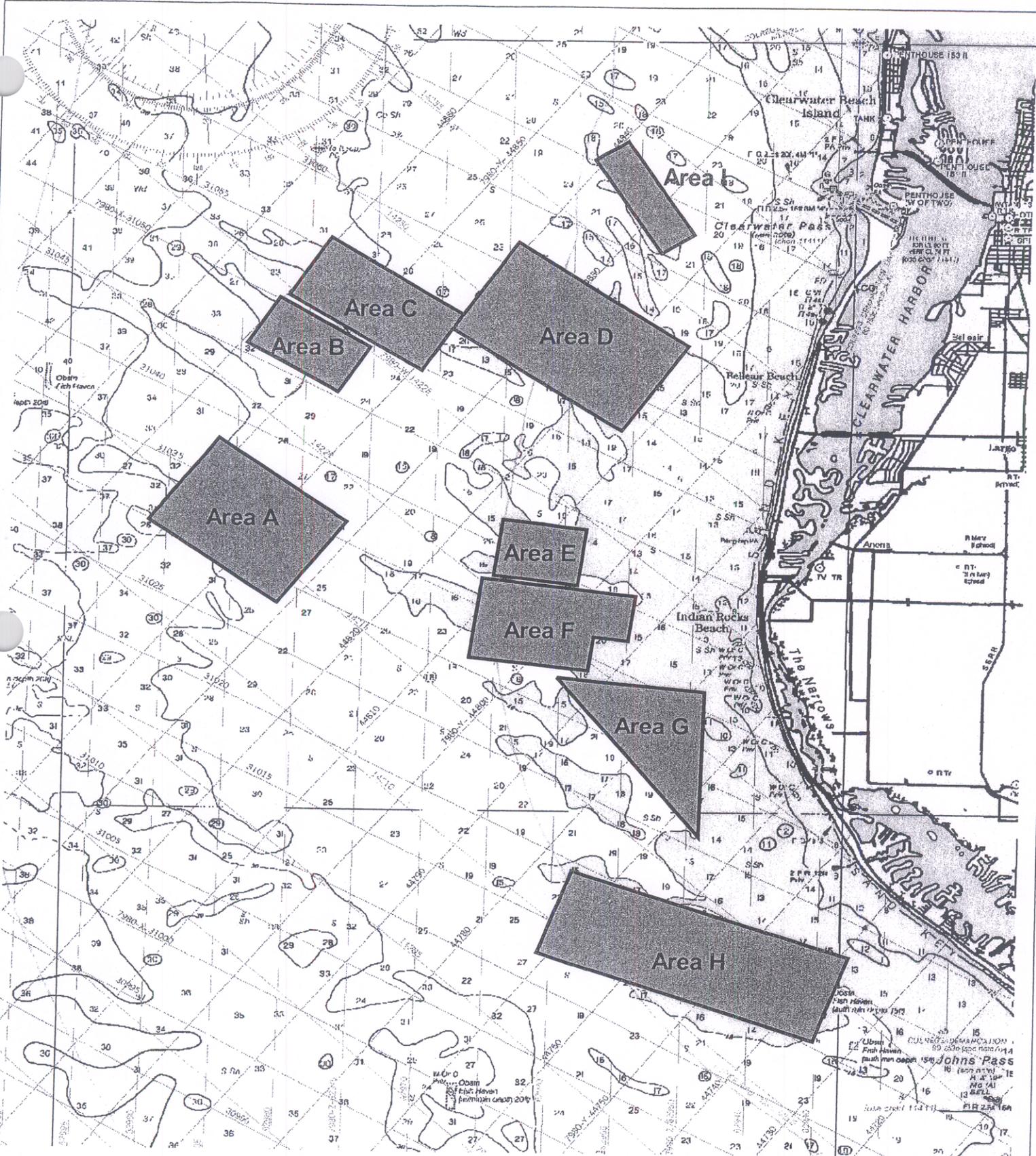
The Corps has determined that the proposed activities may affect sea turtles and Gulf sturgeon.



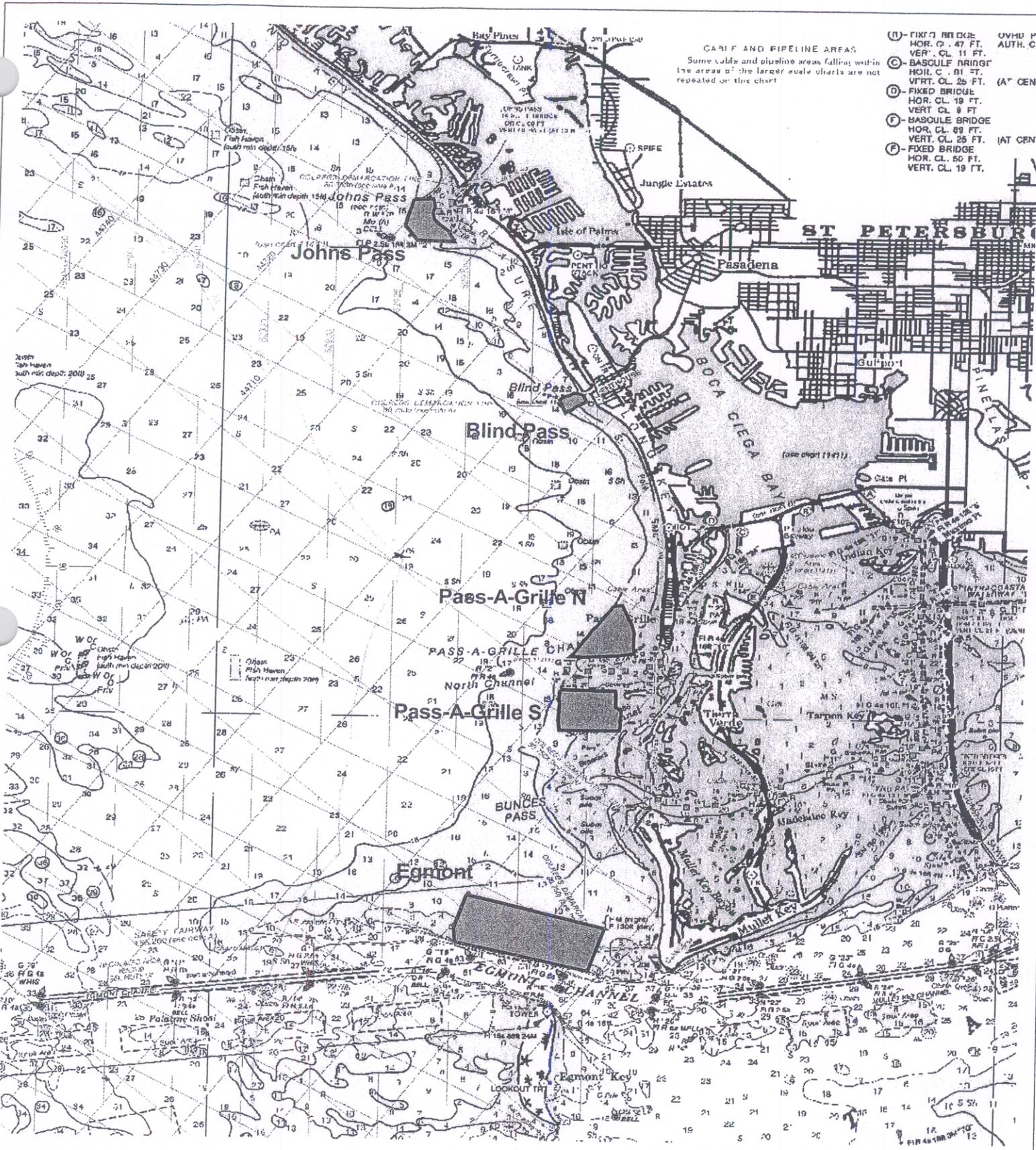
 Pinellas County Marine Biological Survey Areas



Location Map	
Preliminary Draft Marine Biological Survey Pinellas County SPP	
Scale: 1" = 5 miles	Drawn By: MR
Date: December, 2001	
 DIAL CORDY AND ASSOCIATES INC. <i>Environmental Consultants</i>	J01-493
	Figure 1



Offshore Borrow Areas	
Preliminary Draft Marine Biological Survey Pinellas County SPP	
Scale: 1" = 2 miles	Drawn By: MR
Date: December, 2001	
 DIAL CORDY AND ASSOCIATES INC. <small>Environmental Consultants</small>	J01-493
	Figure 2



CABLE AND PIPELINE AREAS
 Some cables and pipeline areas fall within the area of the larger scale charts are not repeated on this chart

(U) - FIXED BRIDGE
 HOR. CL. 47 FT.
 VERT. CL. 11 FT.

(C) - BASCULE BRIDGE
 HOIL. C. 51 FT.
 VERT. CL. 25 FT. (AT CENT)

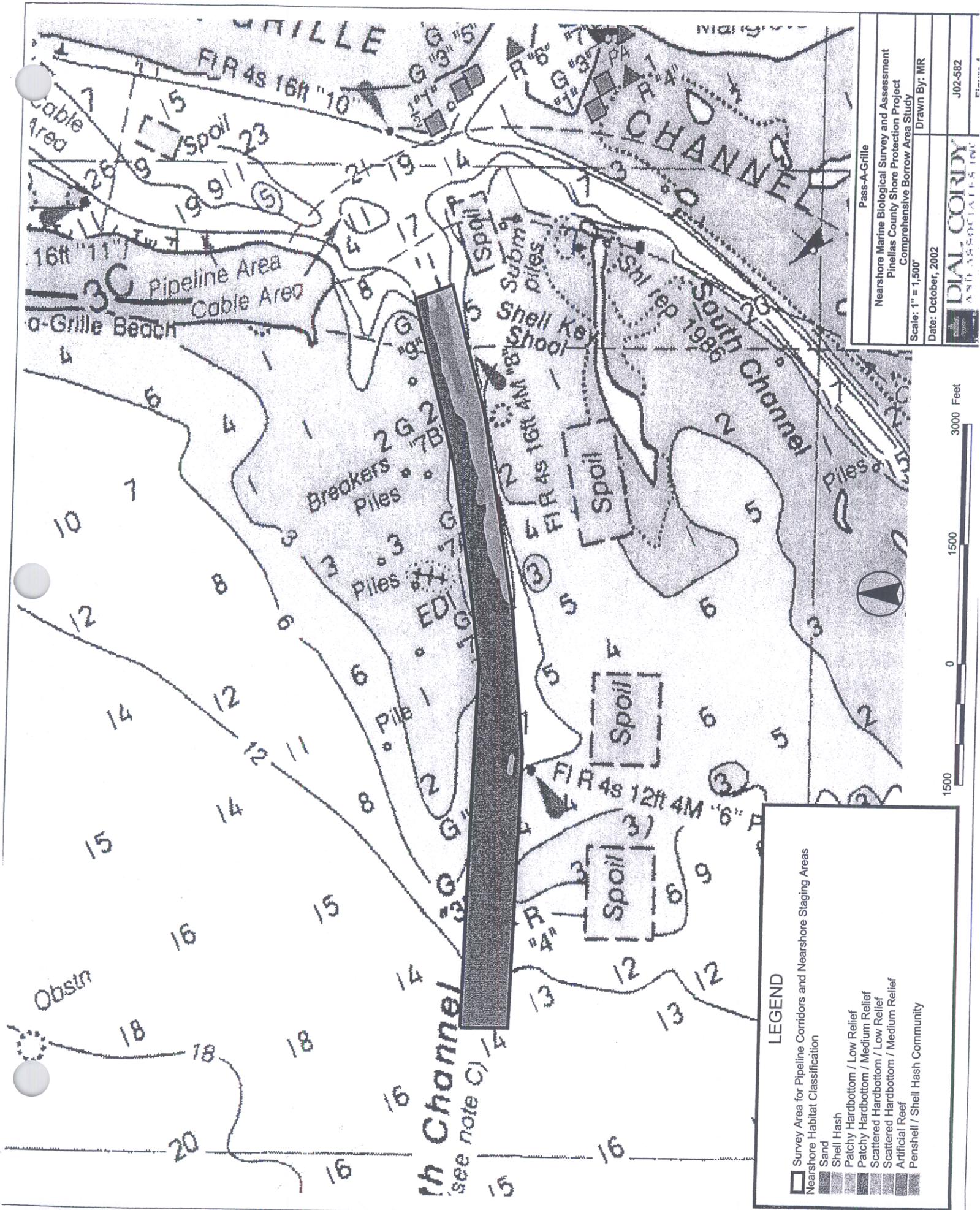
(D) - FIXED BRIDGE
 HOR. CL. 19 FT.
 VERT. CL. 9 FT.

(E) - BASCULE BRIDGE
 HOR. CL. 89 FT.
 VERT. CL. 25 FT. (AT CENT)

(F) - FIXED BRIDGE
 HOR. CL. 50 FT.
 VERT. CL. 19 FT.



Ebb Tidal Shoal Borrow Areas	
Preliminary Draft Marine Biological Survey Pinellas County SPP	
Scale: 1" = 2 miles	Drawn By: MR
Date: December, 2001	
 DIAL CORDY AND ASSOCIATES INC. Environmental Consultants	J01-493
	Figure 3



Pass-A-Grille
 Nearshore Marine Biological Survey and Assessment
 Pinellas County Shore Protection Project
 Comprehensive Borrow Area Study
 Scale: 1" = 1,500'
 Date: October, 2002
 Drawn By: MR



LEGEND

- Survey Area for Pipeline Corridors and Nearshore Staging Areas
- Nearshore Habitat Classification
- Sand
- Shell Hash
- Patchy Hardbottom / Low Relief
- Patchy Hardbottom / Medium Relief
- Scattered Hardbottom / Low Relief
- Scattered Hardbottom / Medium Relief
- Artificial Reef
- Penshell / Shell Hash Community

DIAL CORDY
 AND ASSOCIATES, INC.
 J02-582



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

NOV 09 2000

REPLY TO
ATTENTION OF

Planning Division
Environmental Branch

TO WHOM IT MAY CONCERN

The Jacksonville District, U.S. Army Corps of Engineers (Corps), is gathering information to define issues and concerns that will be addressed in an Environmental Assessment during a Comprehensive Borrow Area Study for the Pinellas County Shore Protection Project, Pinellas County, Florida (see figure 1, location map).

Specific borrow areas to be investigated include nine offshore sites (figure 2) and four ebb-tidal shoals of the following passes, Blind Pass, Pass-a-grill Pass, John's Pass, and Clearwater Pass (figure 3).

The Pinellas County Shore Protection Project has historically obtained beach quality sand from inlet borrow areas and the Egmont Channel Shoal for nourishment of Pinellas County Beaches. To accommodate existing and future renourishment needs, alternative borrow areas have been identified which are closer to the beach fill sites and therefore more cost effective.

The Corps welcomes your views, comments and any information about resources, study objectives and any relevant features within the described study area. Letters of comment or inquiry should be addressed to the letterhead address to the attention of Planning Division, Environmental Coordination Section and received by this office within thirty days of the date of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "James C. Duck", is written over the typed name.

James C. Duck
Chief, Planning Division

Enclosures

Department of the Army - Jacksonville District Corps of
Engineers - Information Gathering to Define Issues and
Concerns that will be Addressed in an Environmental
Assessment During a Comprehensive Borrow Area Study for
the Pinellas County Shore Protection Project - Pinellas
County, Florida

SAI# FL200011160745C

The above-described project was received by the Florida State Clearinghouse on 11/16/00, and has been forwarded to the appropriate reviewing agencies. The clearance letter and agency comments will be forwarded to you no later than 1/1/01, unless you are otherwise notified. Please refer to the above State Application Identifier (SAI) number in all written correspondence with the Florida State Clearinghouse regarding this project. If you have any questions, please contact Cherie Trainor, Clearinghouse Coordinator at (850) 414-5495.



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

December 28, 2000

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

RE: Department of the Army - Jacksonville District Corps of Engineers - Information Gathering to Define Issues and Concerns that will be Addressed in an Environmental Assessment During a Comprehensive Borrow Area Study for the Pinellas County Shore Protection Project - Pinellas County, Florida
SAI: FL200011160745C

Dear Mr. Duck:

The Florida State Clearinghouse has been advised that our reviewing agencies require additional time to complete the review of the above-referenced project. In order to receive comments from all agencies, an additional fifteen days is requested for completion of the state's consistency review in accordance with 15 CFR 930.41(b). We will make every effort to conclude the review and forward the consistency determination to you on or before January 16, 2001.

Thank you for your understanding. If you have any questions regarding this matter, please contact Ms. Cherie Trainor, Clearinghouse Coordinator, at (850) 414-5495.

Sincerely,


Joseph F. Myers, Acting Executive Director
Florida Coastal Management Program

JFM/cc

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>



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

December 7, 2000

James C. Duck, Chief
U.S. Army Corps of Engineers
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Duck:

This is in response to your request, dated November 9, 2000, for study objectives to be addressed in an Environmental Assessment for the Comprehensive Borrow Area Study for the Pinellas County Shore Protection Project in Pinellas County, Florida.

Be advised that the project areas are identified as Essential Fish Habitat (EFH) in the 1998 generic amendment of the Fishery Management Plans for the Gulf of Mexico. The generic amendment was prepared by the Gulf of Mexico Fishery Management Council as required by the 1996 amendment to the Magnuson-Stevens Fishery Conservation and Management Act. Federal agencies which permit, fund, or undertake activities which may adversely impact EFH must undertake an EFH Consultation with the National Marine Fisheries Service. EFH Assessments must include: 1) a description of the proposed action; 2) an analysis of the effects (including cumulative effects) of the proposed action on EFH, the managed fish species, and major prey species; 3) the Federal agency's views regarding the effects of the action on EFH; and 4) proposed mitigation, if applicable. Additional information regarding EFH can be found at <http://galveston.ssp.nmfs.gov/>.

We appreciate the opportunity to provide you with our comments. Please direct related comments, questions, or correspondence to Mr. David N. Dale in St. Petersburg, Florida. He may be contacted at 727/570-5311 or at the letterhead address above.

Sincerely,

for Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

cc:
F/SER4
F/SER43





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

NOV 27 2000

F/SER3:EGH

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

Dear Mr. Duck:

This responds to your November 9, 2000 letter regarding Corps of Engineers' (COE) gathering of information regarding issues of concern related to your Comprehensive Borrow Area Study for the Pinellas County Shore Protection Project. The National Marine Fisheries Service (NMFS), Protected Resources Division (PRD) requests that any COE environmental assessment considering use of alternative nearshore borrow areas also carefully consider their proximity to coral hard grounds. Hardgrounds are routinely used by sea turtles for foraging and protection. Since borrow areas for beach renourishment are often dredged by hopper dredges, which are known to lethally entrain sea turtles, the COE should give preference in their selection process to borrow areas that are not associated with, or distant from, coral hardgrounds.

Your letter is very timely. NMFS PRD takes this opportunity to formally request a list, including names and locations, of routinely used borrow areas off Florida's west coast, and potential borrow sites (such as the ones mentioned in your letter), and proximity to coral hardgrounds, for NMFS use to prepare a Gulf-wide biological opinion on hopper dredging of Gulf of Mexico channels and borrow areas, similar to the existing September 1997 NMFS biological opinion to the COE South Atlantic Division on hopper dredging of southeastern U.S. channels and borrow areas. We appreciate the opportunity to comment on this project and work with the COE Jacksonville District to ensure the protection of threatened and endangered species under NMFS purview, and to help the District fulfill its mandate under the Endangered Species Act. Please contact Mr. Eric Hawk at the telephone number listed above if you have any questions, or if we may be of assistance.

Sincerely,

for,

Joseph E. Powers, Ph.D.
Acting Regional Administrator

cc: F/PR3
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Ms. Cheri Trainor
January 10, 2001
Page 2

The results of the investigations will determine if significant historic properties would be disturbed by this project. In addition, if significant remains are located, the data described in the report and the consultant's conclusions will assist this office in determining measures that must be taken to avoid, minimize, or mitigate adverse impacts to historic properties listed, or eligible for listing in the *National Register of Historic Places*, or otherwise of historical or architectural significance.

Because this letter and its contents are a matter of public record, consultants who have knowledge of our recommendations may contact the applicant. This should in no way be interpreted as an endorsement by this agency. The *Register of Professional Archaeologists* (RPA) is the national certifying organization for archaeologists. Upon request, our office can supply a listing of archaeologists who are RPA members living or working in Florida. In addition, we can provide information on ordering their *Directory of Certified Professional Archaeologists* from them.

If you have any questions concerning our comments, please contact Brian Yates, Historic Sites Specialist, at (850) 487-2333 or 1-800-847-7278. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Frederick P. Cooke, Deputy SHPO

for Janet Snyder Matthews, Ph.D., Director
Division of Historical Resources
State Historic Preservation Officer

JSM/Yby

xc: Mr. James Duck, United States Army Corps of Engineers, Jacksonville