



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. 04EF1000-2019-I-0446

May 14, 2019

Jason J. Spinning
Environmental Branch
Jacksonville District Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207

Dear Mr. Spinning:

The U.S Fish and Wildlife Service (Service) has reviewed your correspondence dated March 25, 2019 regarding the Brevard County South Reach project and its effects on the loggerhead (*Caretta caretta*); the green (*Chelonia mydas*); the leatherback (*Dermochelys coriacea*); the hawksbill (*Eretmochelys imbricata*); and the Kemp's ridley (*Lepidochelys kempi*) hatching and nesting sea turtles; the West Indian Manatee (*Trichechus manatus*), the piping plover (*Charadrius melodus*) and the red knot (*Calidris canutus rufa*). We submit the following comments in accordance with Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*).

The proposed 2019 South Reach beach nourishment project will be performed to address impacts from Hurricane Matthew and Hurricane Irma determined by the Corps to meet the "extraordinary storm" criteria for Flood Control and Coastal emergency (FCCE) rehabilitation. The project would include 465,000 cubic yards of sand placed within approximately 4 miles, from FDEP monuments R-118.3 to R-139. Beach compatible sand will be utilized from Canaveral Shoals II borrow source. Construction is proposed to begin around November 1, 2019 to April 30, 2020.

Outer Continental Shelf (OCS) sand resources located within the Canaveral II borrow area are proposed to be dredged for this project. Bureau of Ocean Energy Management (BOEM) is authorized under Public Law 103-426 [43 United States Code (U.S.C.) 1337 (k) (2)] to negotiate on a non-competitive basis the rights to OCS sand resources for shore protection projects. BOEM may undertake a connected action (i.e., authorize use of the OCS borrow areas) that is related to, but unique from, the Corps' proposed action. BOEM's proposed action is to issue a negotiated agreement authorizing use of the sand source areas at the request of the local sponsor and the Corps. Sand placement as an associated authorization of sand extraction from the OCS by BOEM is covered by both the revised Statewide

Programmatic Biological Opinion (2015-SPBO) dated, February 27, 2015, and the Piping Plover Programmatic (P³BO) dated May 22, 2013.

Sea Turtles

Potential impacts to nesting and hatching sea turtles are covered under the Statewide Programmatic Biological Opinion for sand placement activities in Florida (SPBO); proposed activities would be conducted in compliance with the 2015 update to the SPBO. Regarding potential impacts to the Florida Manatee (*Trichechus manatus latirostris*), the piping plover (*Charadrius melodus*), and red knot (*Calidris canutus rufa*), the Corps made determinations of “may affect but not likely to adversely affect” and requested concurrence with these determinations.

Piping Plover

Potential impacts to the piping plover are covered in the Programmatic Piping Plover Biological Opinion (P³BO). Designated Critical Habitat or other optimal habitat, as defined in the P³BO, is not present within the action area. eBird citizen based bird observation database only contains limited sightings within the action area. Additionally, no piping plovers or red knots were observed in the proposed South Reach area during the 2018 project. For non-optimal piping plover habitat, the cover letter for the P³BO states a “may affect but not likely to adversely affect” determination is appropriate if the nine Conservation Measures for non-optimal habitat set forth in the letter are implemented. Based on the habitat available in the project area and the low incidence of documented use by piping plovers, the Service previously advised the Corps that surveys for shorebirds are not needed for this project.

Red Knot

For the red knot, the Corps determination was based on an assessment that use of the area was unlikely given the available habitat. The eBird database does not contain any sightings south of Indianland and north of Sebastian Inlet since 1992. The Corps states it will apply the P³BO Conservation Measures to the project plans. And as with the piping plover, USFWS previously advised the Corps that surveys for shorebirds are not needed for this project. Based on the preceding, the USFWS concurs that the project “may affect but is not likely to adversely affect” the piping plover and red knot provided the Conservation Measures from the cover letter for the P³BO are implemented. However, as stated above, no surveys for shorebirds including piping plover and red knot are needed for this project.

West Indian Manatee

The Corps will implement the FWC “Standard Manatee Conditions for In-Water Work” (2011) and additional minimization measures outlined in the SPBO. Therefore, the Service concurs with the Corps’ determination of “may affect, not likely to adversely affect” for the manatee.

Although this does not represent a biological opinion as described in Section 7 of the Act, it does fulfill the requirements of the Act and no further action is required. Reinitiation of consultation is required if modifications are made to the project that may adversely affect listed species or their habitats; if the applicant fails to comply with the permit conditions; if additional information involving potential effects to these or other listed species becomes available; or if take of manatees or other listed species occurs. 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 Tina Nguyen by email at tina_nguyen@fws.gov or by phone at 904-731-3098.

Sincerely,



Jay B. Herrington
Field Supervisor