



# 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-0057**

March 7, 2019

Jason J. Spinning  
Environmental Branch  
Jacksonville District Corps of Engineers  
701 San Marco Boulevard  
Jacksonville, Florida 32207-8915

Dear Mr. Spinning:

The U.S Fish and Wildlife Service (USFWS) has reviewed your correspondence dated January 23, 2019, and additional information provided by the applicant regarding the following project, and 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 applicant seeks authorization to construct a newly proposed stockpiling area (located in the South Reach project area, R138.5 to R141) to be truck hauled and placed along the Mid-Reach project shoreline (R75.4 to R118.3) for the Brevard County Hurricane and Storm Damage Reduction Project. The stockpile area would be constructed seaward of the existing dune vegetation line within Spessard Park (R138.5 to R141). Beach compatible sand from Canaveral Shoals will be transported and placed within the stockpile area by hydraulic discharge from a hopper dredge. Stockpiled sand will then be truck hauled and placed along the Mid-Reach project shoreline (R75.4 to R118.3). Construction to stockpile, from initial construction to final unloading and grading, will be limited to 1 November through 30 April. Construction will occur 7 days per week 24 hours per day until completion. Material will be stockpiled and hauled away multiple times during a single season so that a volume greater than the stockpile's nominal estimated capacity of 97,000 cubic yards will be provided to the Mid-Reach. After use of the sand stockpile in a given season, a residual volume of approximately 45,000 cubic yards of sand will remain along the beach berm at the stockpile area, graded to the elevations and slopes of the adjacent nourished and natural beach conditions.

Potential impacts to the southeastern beach mouse (*Peromyscus polionotus niveiventris*) and nesting and hatching sea turtles [loggerhead (*Caretta caretta*); green (*Chelonia mydas*); leatherback (*Dermochelys coriacea*); hawksbill (*Eretmochelys imbricata*); and Kemp's ridley (*Lepidochelys kempii*)] are covered in the current Corps permit 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*), red knot (*Calidris canutus rufa*), and loggerhead turtle

designated critical habitat (LOGG-T-FL-07) the Corps made determinations of “may affect but not likely to adversely affect” and requested concurrence with these determinations.

Potential impacts to the piping plover are covered in the Programmatic Piping Plover Biological Opinion (P<sup>3</sup>BO). Designated Critical Habitat or other optimal habitat, as defined in the P<sup>3</sup>BO, 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 stockpile area during monitoring activities conducted through July 2018. For non-optimal piping plover habitat, the cover letter for the P<sup>3</sup>BO 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, USFWS previously advised the Corps that surveys for shorebirds are not needed for this project.

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 Indialantic and north of Sebastian Inlet since 1992. The Corps states it will apply the P<sup>3</sup>BO Conservation Measures. 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 P<sup>3</sup>BO are implemented. However, as stated above, no surveys for shorebirds including piping plover and red knot are needed for this project.

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](mailto:tina_nguyen@fws.gov) or by phone at 904-731-3098.

Sincerely,



Jay B. Herrington  
Field Supervisor