



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
South Florida Ecological Services Office  
1339 20<sup>th</sup> Street  
Vero Beach, Florida 32960



April 16, 2015

Alan M. Dodd  
U.S. Army Corps of Engineers  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Service Federal Activity Code: 2006-FA-0896  
Service Consultation Code: 2006-F-0393  
Service Reinitiation Code: 2006-F-0393-R001  
Corps Application Number: SAJ-1993-1995 (SP-LCK)  
Date Received: September 8, 2014  
Reinitiation Date: April 1, 2015  
Project: Hillsboro Inlet Maintenance  
and Sand Placement  
Applicant: Hillsboro Inlet District  
County: Broward

Dear Colonel Dodd:

This letter modifies the U.S. Fish and Wildlife Service's (Service) June 18, 2007, Biological Opinion (Service Consultation Code 2006-F-0393; Service 2007), and two Biological Opinion modifications dated September 3, 2008, and April 5, 2013, for the inlet dredging and bypassing, and sand placement project along Hillsboro and Deerfield Beach, Broward County, Florida (Project). Our Biological Opinion addressed the Project and its effects on the threatened Northwest Atlantic Ocean distinct population segment (NWAODPS) of the loggerhead sea turtle (*Caretta caretta*), endangered leatherback sea turtle (*Dermochelys coriacea*), endangered green sea turtle (*Chelonia mydas*), endangered hawksbill sea turtle (*Eretmochelys imbricata*), endangered Kemp's ridley sea turtle (*Lepidochelys kempii*), and the endangered West Indian manatee (*Trichechus manatus*; manatee). The Service determined the Project as proposed, is not likely to jeopardize the continued existence of the species above, and the Biological Opinion and modifications were submitted to the U.S. Army Corps of Engineers (Corps) in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.).

The Service and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) share Federal jurisdiction for sea turtles under the Act. The Service has responsibility for sea turtles on the nesting beach and the NOAA Fisheries has jurisdiction for sea turtles in the marine environment. The NOAA Fisheries will assess and consult with the Corps concerning potential impacts to foraging and swimming sea turtles, critical habitat in the marine environment, and all other marine species under their jurisdiction within the Project area in accordance with the Marine Mammal Protection Act.

Our analysis in this document will only address activities that may impact nesting sea turtles, their nests and eggs, and hatchlings as they emerge from the nest and crawl to the sea. Please note the provisions of this consultation do not apply to sea turtles in the marine environment, such as swimming juvenile and adult sea turtles or loggerhead critical habitat in the marine environment. If applicable, you are required to consult with the NOAA Fisheries on your project. For further information on Act compliance with the NOAA Fisheries, please contact Rachel Sweeney, Chief of the Interagency Cooperation Branch, by e-mail at [rachel.sweeney@noaa.gov](mailto:rachel.sweeney@noaa.gov) or by phone at 727-209-5953.

## **Consultation History**

On June 18, 2007, the Service issued a Biological Opinion to the Corps on its original request to conduct maintenance dredging of the Hillsboro Inlet and place sand on the beach immediately south along Hillsboro and Deerfield Beach, Broward County Florida.

On September 3, 2008, the Service issued a Biological Opinion modification to the Corps concerning the Hillsboro Inlet District's (Applicant) request to conduct dredging, bypassing, and sand placement activities throughout the year.

On April 5, 2013, the Service issued a Biological Opinion modification to the Corps concerning the Applicant's request to expand the dredge and sand placement areas, place sand south of the inlet three times annually, and to remove weekly escarpment and annual sea turtle nesting activity reports.

On July 10, 2014, the Service designated terrestrial critical habitat for the NWAOP DPS of loggerhead sea turtle. The designated terrestrial critical habitat includes 88 units encompassing approximately 685 miles of shoreline along the coasts of North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. Included in designated critical habitat is unit LOGG-T-FL-14, that spans the Atlantic Ocean shoreline between Boca Raton Inlet south to Hillsboro Inlet, a length of 5.2 miles, and encompasses the Hillsboro Inlet maintenance and sand placement project. This unit includes lands from the mean high water line to the toe of the secondary dune or developed structures.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where we have subsequently designated critical habitat that may be affected and the Federal agency has retained discretionary involvement or control over the action. In a letter dated September 8, 2014, the Corps requested reinitiation of formal consultation under the Act to address effects of the sand placement project on designated critical habitat.

On April 1, 2015, the Service requested the Corps provide a determination for the red knot (*Calidris canutus rufa*) and the piping plover (*Charadrius melodus*). In addition, we requested confirmation of implementation of relevant measures in the Programmatic Piping Plover Biological Opinion (P<sup>3</sup>BO) (FWS Log No. 04EF1000-2013-F-0124; Service 2013), and the revised Statewide Programmatic Biological Opinion (2015-SPBO) (FWS Log No. 41910-201 1-F-0170; Service 2015). The Corps provided a response later the same day.

## **DESCRIPTION OF THE PROPOSED ACTION**

The Applicant proposes to maintenance dredge Hillsboro Inlet, and bypass and place beach compatible material along Pompano Beach, Broward County, Florida. The Project is necessary to restore the authorized channel depths in order to maintain unobstructed navigation of the Inlet and to control shoreline erosion south of the Inlet.

The Applicant has agreed to follow and implement the minimization measures, Reasonable and Prudent Measures, and the Terms and Conditions identified in the 2015-SPBO that apply to the Project.

## **THREATENED AND ENDANGERED SPECIES**

### **Sea turtles**

For the purposes of this document the five previously identified sea turtles (loggerhead, leatherback, green, hawksbill, and Kemp's ridley) will be referred to collectively as sea turtles. The Project has the potential to adversely affect nesting female sea turtles, nests, and hatchlings within the Project area. Potential effects include destruction of nests deposited within the boundaries of the Project, harassment in the form of disturbing or interfering with female sea turtles attempting to nest within the construction area or on adjacent beaches as a result of construction activities, and behavior modification of nesting females due to escarpment formation within the Project area during the nesting season resulting in false crawls or situations where they choose marginal or unsuitable nesting areas to deposit eggs. The quality of the placed sand could affect the ability of female sea turtles to nest, the suitability of the nest incubation environment, and the ability of hatchling to emerge from the nest.

### **Loggerhead sea turtle critical habitat**

As currently permitted by the Corps, the Hillsboro Inlet maintenance and sand placement project may directly or indirectly impact physical and biological features of critical habitat for the NWAOP DPS of the loggerhead sea turtle along approximately 0.19 mile of beach, temporarily. The 0.19 mile of beach includes 3.65 percent of Critical Habitat Unit LOGG-T-FL-14 and 0.14 percent of all designated critical habitat in the NWAOP DPS.

### **Piping plover**

Piping plovers overwinter along the majority of the Florida coastline. Optimal piping plover habitat is characterized by (1) having documented piping plover use and (2) by coastal habitat features that function mostly unimpeded. The proposed project lacks these characteristics, and therefore, the Service considers the action area to be non-optimal piping plover habitat. The Project is not located within piping plover critical habitat. The Applicant has agreed to follow and implement the Conservation Measures outlined in the P<sup>3</sup>BO that apply to the Project.

## **Red knot**

Red knots may use the Project area during winter and migration periods. In Florida, red knots are commonly found along sandy, gravel, or cobble beaches, tidal mudflats, salt marshes, shallow coastal impoundments, mangrove and brackish lagoons. Red knots forage along sandy beaches during spring and fall migration throughout Florida. To date, critical habitat has not been proposed or designated for the red knot.

## **West Indian manatee**

The Project occurs within the geographic range of the manatee. The Applicant has agreed to follow and implement the Standard Manatee Conditions for In-Water Work (FWC 2011) and the minimization measures outlined in the 2015-SPBO to avoid potential impacts on manatees.

## **CONCLUSION**

### **Sea Turtles**

The Service has determined the Project effects concerning sand placement activities along the coast of Florida are consistent with those analyzed in 2015-SPBO. Therefore, it is appropriate to apply 2015-SPBO to the Project. Based on the Applicant's commitment to implement the minimization measures, Reasonable and Prudent Measures, and the Terms and Conditions identified in the 2015-SPBO that apply to the Project, the Project's take coverage for the listed sea turtles is henceforth covered under 2015-SPBO.

### **Loggerhead sea turtle terrestrial critical habitat**

The Service has determined the Project impacts to critical habitat are consistent with the analysis in the 2015-SPBO. Consequently, the Service finds that the Project may affect, but is not likely to adversely affect loggerhead sea turtle critical habitat.

### **Piping plover**

The Service has determined the Project impact to non-optimal piping plover habitat is consistent with the analysis in P<sup>3</sup>BO. As previously stated, the Applicant has agreed to follow and implement the Conservation Measures outlined in the P<sup>3</sup>BO that apply to the Project. As it relates to survey guidelines defined in P<sup>3</sup>BO Conservation Measure #2, and the on-going nature of the Project, Service approves a reduction in the survey effort, and the following revised survey guidelines can be implemented by the Applicant:

1. Annually, one winter shorebird survey will be conducted beginning the first Friday in February, as outlined in the Florida Shorebird Alliance's Winter Shorebird Survey (<http://flshorebirdalliance.org>). If the February survey is not possible, two winter shorebird surveys will be conducted as close as possible to the February dates and at least 15 days apart, and reported to the Florida Fish and Wildlife Conservation Commission

(FWC) (<https://public.myfwc.com/crossdoi/shorebirds/loginform.aspx>). If possible, a shorebird survey will be conducted prior to construction commencement. If piping plovers are documented during a preconstruction survey, the Service will be contacted for potential implementation of additional conservation measures prior to construction commencement. Surveys will not be conducted between May 16 and July 14. All shorebird survey data will be forwarded to the Service annually upon completion.

2. The person(s) conducting the surveys must demonstrate the qualifications and ability to identify shorebird species and be able to provide the information outlined in the Winter Shorebird Survey.

The Service concurs with the Corps' determination that the Project may affect, but is not likely to adversely affect piping plovers. A report must be submitted by July 31 of each year in which monitoring is completed, as described in Term and Condition 9 of the P<sup>3</sup>BO.

### **Red knot**

According to our Geographic Information System database, no red knots have been documented in the Project area. Because suitable habitat for the red knot and piping plover is similar, minimization measures for potential effects to red knots will be incorporated into the Project through the Applicant's implementation of the conservation measures to reduce impacts on piping plovers for projects located in non-optimal piping plover habitat, as outlined in the P<sup>3</sup>BO. Therefore, the Service concurs with the Corps' determination the Project may affect, but is not likely to adversely affect the red knot.

### **West Indian manatee**

The Service has determined the Project effects to the manatee are consistent with the analysis in 2015-SPBO, and the Corps has agreed to follow and implement the Standard Manatee Conditions for In-Water Work. Therefore, it is the Service's determination the Project may affect but is not likely to adversely affect manatees.

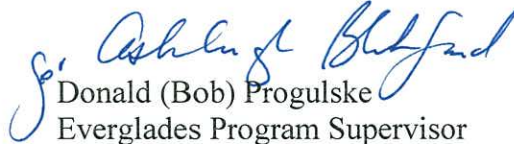
## **REINITIATION NOTICE**

This concludes consultation on the action outlined in the request. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if:

1. The amount or extent of incidental take outlined in the 2015-SPBO is exceeded. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation;
2. New information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this analysis;
3. The agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this analysis; or
4. A new species is listed or critical habitat designated that may be affected by the action.

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 Jeff Howe at 772-469-4283.

Sincerely yours,

  
Donald (Bob) Progulske  
Everglades Program Supervisor  
South Florida Ecological Services Office

cc: electronic only

Corps, Palm Beach Gardens, Florida (Linda Knoeck)

DEP, Tallahassee, Florida (Lanie Edwards)

EPA, West Palm Beach, Florida (Ron Miedema)

FWC, Tallahassee, Florida (FWC-CPS, Robbin Trindell)

NOAA Fisheries, Fort Lauderdale, Florida (Audra Livergood)

NOAA Fisheries, West Palm Beach, Florida (Jocelyn Karazsia)

Service, St. Petersburg, Florida (Anne Marie Lauritsen)

Service, St. Petersburg, Florida (Peter Plage)

USGS, Gainesville, Florida (Susan Walls)

## LITERATURE CITED

- Florida Fish and Wildlife Conservation Commission (FWC). 2011. Standard Manatee Conditions for In-Water Work 2011. Available at:  
<http://myfwc.com/wildlifehabitats/managed/manatee/permit-review/#Main>
- U.S. Fish and Wildlife Service (Service). 2007. Hillsboro Inlet maintenance dredging and beach placement biological opinion to the U.S. Army Corps of Engineers (Service Federal Activity Code 41420-2006-FA-0896). June 18, 2007. South Florida Ecological Services Field Office, Florida.
- U.S. Fish and Wildlife Service (Service). 2013. Programmatic piping plover biological opinion to the U.S. Army Corps of Engineers (Service Consultation Code 04EF1000-2013-F-0124) for shore protection activities in the geographical region of the north and south Florida Ecological Services Field Offices (May 22, 2013). Jacksonville and Vero Beach Field Offices, Florida.
- U.S. Fish and Wildlife Service (Service). 2015. Statewide programmatic biological opinion to the U.S. Army Corps of Engineers (FWS Log No. 41910-2011-F-0170) for shore protection activities along the coast of Florida (March 13, 2015). Jacksonville, Panama City, and Vero Beach Field Offices, Florida.