



## 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 24, 2012

Colonel Alfred A. Pantano, Jr.  
District Commander  
U.S. Army Corps of Engineers  
Post Office Box 4970  
Jacksonville, Florida 32232-0010

Service Federal Activity Code: 41420-2007-F-0864  
Corps Application No: SAJ-1992-01224 (IP-AWP)  
Date Received: January 24, 2012  
Formal Consultation Re-Initiation Date: April 5, 2012  
Project: Sebastian Inlet Sand Trap  
Dredging and Sand Placement  
Applicant: Sebastian Inlet Tax District  
County: Indian River

Dear Colonel Pantano:

The U.S. Fish and Wildlife Service (Service) has reviewed the January 23, 2012, e-mail request from the U.S. Army Corps of Engineers (Corps) to amend the project description in the Service's September 10, 2007, Biological Opinion for the Sebastian Inlet sand trap dredging and sand placement project. The Biological Opinion provided an incidental take statement for the threatened loggerhead sea turtle (*Caretta caretta*), endangered green sea turtle (*Chelonia mydas*), endangered leatherback sea turtle (*Dermochelys coriacea*), endangered hawksbill sea turtle (*Eretmochelys imbricata*), and endangered Kemp's ridley sea turtle (*Lepidochelys kempii*). This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

### PROJECT DESCRIPTION

The Sebastian Inlet Tax District (Applicant) proposed to hydraulically dredge up to 180,000 cubic yards (cy) of beach compatible sand from the Sebastian Inlet channel and sand trap. The sand will be placed along 1.61 miles of shoreline between the Florida Department of Environmental Protection (DEP) reference monuments R-3 and R-12 located in Indian River County, Florida. The frequency of sand placement events over the course of the 10-year Corps permit will not exceed more than once every 2 years. The intent of the project is to provide for storm protection to the barrier island shoreline and to mitigate the adverse effects of Sebastian Inlet on the downdrift oceanfront properties.

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The Applicant is requesting the following project changes:

1. Eliminate the southeastern beach mouse (*Peromyscus polionotus niveiventris*) surveys as outlined in the Service's September 10, 2007, Biological Opinion for the life of the 10-year Corps permit.
2. Extend only the 2012 project activities to May 10, 2012. Although sand trap dredging and sand placement will be completed by April 30, 2012, the contractor will use the 10-day extension to demobilize all pipe and related equipment, and to till the beach.

The Service discussed the project with the Florida Fish and Wildlife Conservation Commission and the Corps, reviewed past and current sea turtle nesting data, southeastern beach mice survey data, and considered the cumulative effects.

### **Sea Turtles**

In addition to the reasonable and prudent measures and corresponding terms and conditions as outlined in the September 10, 2007, Biological Opinion, all activities conducted in May 2012, will take place only during daylight hours and only upon completion of the daily sea turtle nest surveys. As of March 30, 2012, a single leatherback sea turtle nest has been deposited within the project area in the vicinity of the DEP reference monument R-14. Before any work is to proceed in May 2012, the Applicant will provide a sea turtle nesting update for our review and comment.

### **Southeastern Beach Mouse**

The Applicant's justification for eliminating the southeastern beach mouse surveys is based on the use of existing access points located at the DEP reference monument R-2.5 and R-8, and the fact that no pipes or other equipment is staged or located within the existing dune. In addition, the Applicant is to avoid placement of sand on existing dune vegetation or in vegetated area, and all pipes and equipment must be positioned 5 feet or greater seaward of the primary dune toe, as outlined in the current Corps permit. Although the above stated guidelines provide adequate minimization measures, nighttime lighting has been documented to impact the foraging behavior of mice, and therefore, increase the risk of predation. Because the project involves nighttime construction activities, the Service does not amend our September 10, 2007, Biological Opinion as requested concerning the elimination of the southeastern beach mouse surveys.

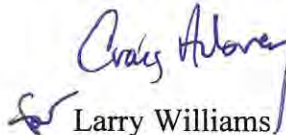
Based on our review, requested project item number 2 will not significantly change the effects of the project on federally listed species, or our overall conclusion regarding take and jeopardy. Therefore, the Service amends the September 10, 2007, Biological Opinion in regard to requested project item number 2, outlined above. With the exception of the criteria as referenced above, all parts of the September 10, 2007, Biological Opinion for this project remain as written.

This concludes formal 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 is exceeded; (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 opinion; (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 opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

If you have any questions regarding this amendment to the Biological Opinion, please contact Jeff Howe at 772-469-4283.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Larry Williams", with a stylized initial "LW" to the left.

Larry Williams  
Field Supervisor  
South Florida Ecological Services Office

cc: electronic only

Applied Technology & Management, Inc., West Palm Beach, Florida (Peter Seidle)  
Corps, Cocoa, Florida (Andrew Phillips)  
DEP, Tallahassee, Florida (Lainie Edwards)  
EPA, West Palm Beach, Florida (Ron Miedema)  
FWC, Tallahassee, Florida (Robbin Trindell)  
NOAA Fisheries, Marineland, Florida (George Getsinger)  
Service, St. Petersburg, Florida (Anne Marie Lauritsen)  
Service, Atlanta, Georgia (Franklin Arnold)  
USGS, Gainesville, Florida (Susan Walls)