



United States Department of the Interior

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



December 12, 2006

Colonel Paul L. Grosskruger
District Commander
U.S. Army Corps of Engineers
701 San Marcos Boulevard, Room 372
Jacksonville, Florida 32207-8175

Service Federal Activity Code: 41420-2007-FA-0191
Corps Application No.: SAJ-2005-296 (IP-MN)
Date Received: October 27, 2006
Formal Consultation Initiation Date: October 31, 2006
Project: Longboat Key Beach Renourishment
Applicant: Town of Longboat Key
County: Sarasota and Manatee

Dear Colonel Grosskruger:

This document amends the Fish and Wildlife Service's (Service) August 25, 2004, Biological Opinion and the October 4, 2005, modification of the Longboat Key Renourishment project and its effects on the threatened loggerhead (*Caretta caretta*), endangered green (*Chelonia mydas*), and leatherback (*Dermochelys coriacea*) sea turtle, and the endangered West Indian manatee (*Trichechus manatus*). The project involves placement of 1,388,000 cubic yards of material obtained from four offshore borrow sites along 9.45 miles of shoreline located between Florida Department of Environmental Protection (DEP) monuments R-29.5 in Sarasota County to R-46A in Manatee County, Florida. This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

On October 27, 2006, the Service was contacted by the Florida Fish and Wildlife Conservation Commission (FWC) and DEP with regard to the Applicant's request to extend the sediment sampling time until December 31, 2006. Due to changes in staff and construction delays, sediment sampling as outlined in the Service's 2004 Biological Opinion, Term and Condition number 11b (page 29) was not completed during year 1 post-construction.

Based on our review of the project and information provided via telephone and email from FWC and DEP, the following Terms and Conditions as stated in the 2004 Biological Opinion are amended as follows:



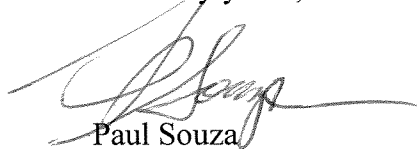
1. Due to the placement of additional fill material (approximately 73,600 cubic yards) along 0.47 mile of shoreline as outlined in the October 4, 2005, modification, the first sentence of Term and Condition number 11a (page 28) should read, "Experimental monitoring sites shall be established at two locations along each of the following survey profile lines: R-47.5, R-48, R-48.5, R-52, R-60, and R-67 in Manatee County; and R-3, R-4, R-4.5, R-8, R-11, R-11.5, R-12, R-16, and R-20 in Sarasota County.";
2. The first sentence of Term and Condition number 11b (page. 29) should read, "Sediment samples must be collected during a minimum of three monitoring events during the second and third marine turtle nesting seasons (Years 2 and 3) after construction of the beach nourishment project.";
3. The second sentence of Term and Condition number 11f (page 30), "Sediment collection and analyses, as described above, is not required during Year 2 post-construction." is to be deleted; and
4. The second sentence of Term and Condition number 11g (page 30), should read, "The Year 2 and Year 3 reports must include appropriate statistical analyses to determine if any significant differences were observed between the behavior of the layered and non-layered fill areas with regard to sediment properties and nesting activity and hatching success."

In addition, the Applicant will collect sediment samples in early April 2007 prior to the sea turtle nesting season. These sediment samples will establish a baseline for the layered fill area and two control sites. With the exception of the items referenced above, the August 25, 2004, Biological Opinion and the October 4, 2005, modification for this project remains 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 amended biological opinion, please contact Jeff Howe at 772-562-3909, extension 283.

Sincerely yours,



Paul Souza
Field Supervisor
South Florida Ecological Services Office

cc:

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