

United States Department of the Interior

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



September 3, 2008

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

Service Consultation Code: 41420-2006-FA-0896
Corps Application No.: SAJ-1993-1995 (IP-LAO)
Date Received: February 7, 2008
Formal Consultation Re-Initiation Date: April 22, 2008
Project: Hillsboro Inlet Maintenance
Dredging and Beach Placement
Applicant: Hillsboro Inlet District
County: Broward

Dear Colonel Grosskruger:

The U.S. Fish and Wildlife Service (Service) has reviewed the February 7, 2008, request from the U.S. Army Corps of Engineers (Corps) to amend the Service's June 18, 2007, Biological Opinion (Service Consultation Code 41420-2006-FA-0896) for the Hillsboro Inlet maintenance dredging and beach 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 (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

The Service's June 18, 2007, Biological Opinion provided the Hillsboro Inlet District (Applicant) with an incidental take statement to maintenance dredge the Hillsboro Inlet, and bypass and place beach compatible material along Pompano Beach, Broward County, Florida. The proposed one-time event was 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. Approximately 120,000 cubic yards of material was to be removed from the Inlet using a cutterhead dredge, bypassed south of the Inlet, and the beach compatible material graded across 500 feet of shoreline south of Florida Department of Environmental Protection (DEP) monument R-25 through the use of bulldozers. The project which was expected to take approximately 2 months was scheduled to take place between November 1, 2007, and April 30, 2008.



Given the fact the work outlined above did not take place, and the Applicant has requested to conduct dredging, bypassing, and beach placement activities throughout the year, the Applicant has requested to modify the project as follows:

1. The discharge pipe will be manually stored upland of the existing dune and manually transported out to the beach prior to sand bypassing events. No mechanical or motorized equipment will be utilized to transport or store the discharge pipe.
2. The discharge pipe will be manually transported and positioned south of the Inlet as sand accumulates to facilitate a relatively even distribution of sand along 500 feet of shoreline south of DEP monument R-25. No mechanical or motorized equipment will be used to transport or position the discharge pipe.
3. Dredging, sand bypassing, and beach placement activities will take place throughout the year.
4. During sea turtle nesting season (March 1 through November 30), dredging, sand bypassing, and beach placement activities will not commence prior to coordination with Broward County Environmental Protection Department (EPD) whom is responsible for conducting daily sea turtle nesting surveys. If it is determined nesting has occurred the previous night, no bypassed material will be placed along the shoreline until it has been determined by the EPD that either the nests have been successfully relocated or the turtles have hatched and successfully migrated to the ocean.
5. The beach fill template (500 feet south of DEP monument R-25) will remain consistent to that outlined in the June 18, 2007, Biological Opinion.
6. Dredging, sand bypassing, and beach placement activities will only take place during daylight hours.
7. To reduce direct construction-related effects to manatees, the Corps must agree to incorporate the Florida Fish and Wildlife Conservation Commission's (FWC) Standard Manatee Conditions for In-Water Work as a condition of the Corps' permits, if issued, for this project.
8. The incidental take statement outlined in the Service's Biological Opinion dated June 18, 2007, identified a one-time sand bypassing and placement event to occur between November 1 and April 30. The Service is amending the June 18, 2007, incidental take statement to allow sand bypassing and placement activities to occur throughout the year. Expiration of the Service's incidental take statement will coincide with DEP's permit expiration date of September 1, 2018, after which, reinitiation and consultation will be required.

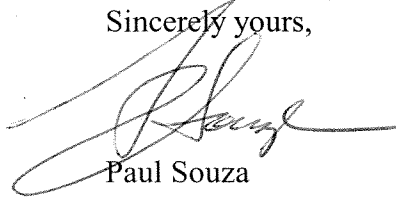
The Service has reviewed and discussed the project with DEP, FWC, and the Corps, reviewed sea turtle nesting data, and considered the cumulative effects. In addition, given that (1) mechanical or motorized equipment will not be used to transport, position, or store the discharge pipe, (2) dredging, sand bypassing, and sand placement activities conducted between March 1 through November 30,

will not commence prior to coordination with EPD whom is responsible for conducting daily sea turtle nesting surveys, (3) sand bypassing activities will only take place on an as needed basis and may not be conducted throughout any given year, and (4) the volume of placed sand at any given time will be considerably smaller compared to a one-time annual event, the Service believes that the proposed modifications will not significantly change the effects of the project on nesting sea turtles. Therefore, the Service amends the Biological Opinion as requested. With the exception of the criteria as referenced above, all parts of the June 18, 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 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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