



## 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



July 25, 2007

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

Service Federal Activity Code: 41420-2006-F-0028  
Date Received: June 7, 2007  
Formal Consultation Re-Initiation Date: June 20, 2007  
Project: Miami Beach Nourishment Project  
Applicant: Miami-Dade County  
County: Miami-Dade

Dear Colonel Grosskruger:

The Fish and Wildlife Service (Service) has reviewed the June 7, 2007, request from the U.S. Army Corps of Engineers (Corps) to amend the Service's June 7, 2006, biological opinion (Service Log Number 41420-2006-F-0028) for the Miami Beach nourishment project (Corps permit: SAJ-1999-3761 [IP-PLC]). 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 Corps authorized the placement of approximately 110,000 cubic yards (cy) of beach compatible material along three eroded segments of Miami Beach totaling 3,716 feet between Florida Department of Environmental Protection monument R-48.7 and R-61. Miami-Dade County (Applicant) has requested to modify the project to include the hydraulic transfer up to 70,000 cy of beach compatible material from Lumus Park (approximately R-67 to R-70) to 1,500 feet of shoreline extending from R-60 to 500 feet south of R-61. Using a large bulldozer and three challenger pull pans, the 70,000 cy of fill material will be excavated from a 3,000-foot by 150-foot by 6-foot area and hydraulically transferred to the south end (approximately R-64) of a long dike through 3,740 feet of 10 to 14 inch pipe. The purpose of the long dike positioned parallel to the ocean is to allow 90 to 95 percent of the fill material to fall out of suspension prior to ocean re-entry. Using backhoes and bulldozers, the fill material will be collected, transferred, and sloped accordingly within the proposed project site (R-60 to 500 feet south of R-61).



The slurry pit and dredge will be enclosed by a temporary chain link fence with privacy screening. If weather permits, the pipeline will be floated in from the water in 1,000-foot sections. If adverse weather prevails, 50-foot sections of pipe will be trucked to the site and fused together in 1,000-foot lengths. The pipe will be buried just below grade and positioned approximately 5 feet seaward of the existing dune. With a hydraulic dredge production rate of 1,600 cy per day, completion of the nourishment project is expected to take 45 to 60 days. All beach nourishment activities will take place only during daylight hours.

The Service has discussed the project and potential impacts to nesting sea turtles with the Corps, Florida Fish and Wildlife Conservation Commission, and the Applicant on numerous occasions. Based on these discussions the Applicant has agreed to undertake several measures to minimize potential impacts to nesting sea turtles.

Specifically, the Applicant has agreed to:

1. Apply all Reasonable and Prudent Measures, and Terms and Conditions as outlined in the June 7, 2006, biological opinion to the Lumus Park project area, the section of beach containing the 3,740 feet of pipe, and the extended portion of the 27<sup>th</sup> Street nourishment area;
2. Bury the temporary pipeline at least 6 inches;
3. Not float the 1,000-foot sections of pipe into the project site if previously deposited sea turtle nests will be impacted;
4. Provide at least a 20-foot buffer between the pipeline and any sea turtle nest; and
5. Not remove any section(s) of pipe until after the eggs have hatched if removing the pipe will impact nesting success.

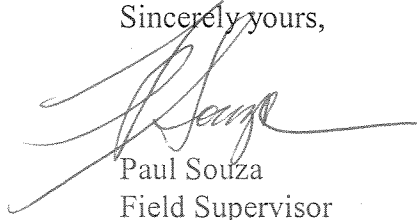
The Service has reviewed sea turtle nesting data for the modified project areas, and considered the cumulative effects. Based on our review, as well as the Applicant's agreements identified above, the Service believes that the proposed modification will not significantly change the effects of the project on nesting sea turtles. Therefore, the Service amends the biological opinion as requested. With the exception of the area to be impacted as referenced above, all parts of the June 6, 2006, 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,

A handwritten signature in black ink, appearing to read 'Paul Souza', with a long horizontal flourish extending to the right.

Paul Souza  
Field Supervisor  
South Florida Ecological Services Office

cc:

Corps, West Palm Beach, Florida (Melody White)  
DEP, Tallahassee, Florida (Stephanie Gudeman)  
EPA, West Palm Beach, Florida  
FWC, Bureau of Protected Species Management, Tallahassee, Florida (Robbin Trindell)  
Miami-Dade County DERM, Miami, Florida (Brian Flynn)  
NOAA Fisheries, West Palm Beach, Florida (Jocelyn Karazsia)  
Service, Ecological Services, Jacksonville, Florida (Sandy MacPherson)  
Service, Atlanta, Georgia (Noreen Walsh) electronic copy  
USGS, Florida Integrated Science Center, Gainesville, Florida (Susan Walls)