



## 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



November 5, 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: 41420-2008-FA-0729

Date Received: June 16, 2008

Formal Consultation Re-Initiation Date: June 24, 2008

Project: Baker's Haulover Inlet dredging and  
Bal Harbour beach sand placement

Sponsor: Miami-Dade County  
County: Miami-Dade

Dear Colonel Grosskruger:

The U.S. Fish and Wildlife Service (Service) has reviewed the June 11, 2008, request from the U.S. Army Corps of Engineers (Corps) to amend the Service's October 11, 2005, Biological Opinion for the Baker's Haulover Inlet dredging 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 Corps was authorized to dredge 35,000 cubic yards of material from the intracoastal waterway (IWW) cut DA-9 in the flood shoal of Baker's Haulover Inlet, Miami-Dade County, Florida. All beach compatible sand was placed along 4,000 feet of Bal Harbour beach between Florida Department of Environmental Protection (DEP) reference monuments R-28 and R-32. Dredging of the navigational channel through the flood-tide shoal and sand placement was last conducted in 2006.

Given this portion of the IWW channel has required maintenance every few years over the last 30 years, and the October 11, 2005, Biological Opinion was for a one-time event, the Corps is requesting to modify the Biological Opinion to cover periodic maintenance as needed. The Corps has requested to modify the project as follows:

1. Dredging of the IWW channel and sand placement along Bal Harbour beach will take place every 2 or 3 years and



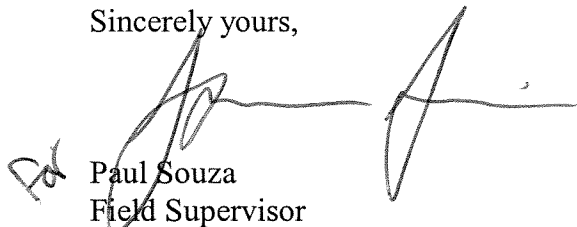
2. Expiration of the Service's incidental take statement will coincide with the DEP permit expiration date of October 21, 2015. Upon expiration, reinitiation of formal consultation is required.

The Service has discussed the project with the DEP and Florida Fish and Wildlife Conservation Commission, reviewed sea turtle nesting data, and considered the cumulative effects of this proposal. Based on our review, the Service believes 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 October 11, 2005, 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.

Thank you for your cooperation and effort in protecting Florida's natural resources. 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:

Corps, Jacksonville, Florida (Paul DeMarco)  
DEP, Tallahassee, Florida (Stephanie Gudeman)  
EPA, West Palm Beach, Florida  
FWC, Office of Protected Species Management, Tallahassee, Florida (Robbin Trindell)  
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