



United States Department of the Interior

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



March 14, 2007

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

Activity Code: 41420-2007-FA-0509
Date Received: January 30, 2007
Formal Consultation Initiation Date: January 31, 2007
Project: Gasparilla Island Beach Nourishment
Applicant: Lee County Board of County Commissioners
County: Lee

Dear Colonel Grosskruger:

The Fish and Wildlife Service (Service) has reviewed the January 30, 2007, request from the U.S. Army Corps of Engineers (Corps) to amend the Service's July 24, 2002, Biological Opinion (Service Log Number 4-01-F-765), and the April 27, 2006, modification concerning the project referenced above. 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 original project involved placement of approximately 920,000 cubic yards (cy) of beach compatible material along 3.2 miles of beach on Gasparilla Island between Florida Department of Environmental Protection (DEP) monument R-10 and R-26.5. A 7 year renourishment interval was anticipated. In addition to the beach nourishment, the Applicant proposed the construction of an offshore segmented breakwater structure and two T-head groins to be located in the vicinity of DEP monument R-25, R-25.5, and R-26, respectively. To date, the erosion control structures have not been constructed. In the April 27, 2006, modification, pre-monitoring was eliminated as they related to construction of the erosion control structures.

The Applicant proposes to modify the project outlined in the Service's July 24, 2002, Biological Opinion to include placement of 43,000 cy of material south of DEP monument R-26A. The proposed project which is directly south of the lighthouse, lies within the footprint previously outlined in the Service's July 24, 2002 Biological Opinion. The shoreline adjacent to the lighthouse has a history of erosion which has progressed to the point where it is undermining the perimeter fence surrounding the historic structure. Continued erosion could potentially threaten the historic structure. In addition, recent storms have contributed to the erosion. The proposed placement of fill material is the first phase of what is anticipated to be a two phase project which will include the addition of erosion control structures. The permit modification is being requested for the beach fill alone at this time in order to take advantage of significant cost



savings while a dredge is presently mobilized in the area. A separate modification will be requested for the erosion control structures within a year.

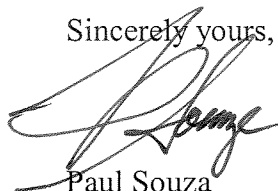
Because the Corps agreed to incorporate the Standard Manatee Protection Measures into their permit, the Service in a letter dated September 17, 2001, concurred with the Corps' determination of may affect not likely to adversely affect with regard to the endangered West Indian manatee (*Trichechus manatus*). Similarly, the Service concurred with the Corps' determination that the proposed project would not affect the piping plover (*Charadrius melodus*) since it is unlikely the species will be present during construction. The Service's July 24, 2002, Biological Opinion concerning this project provided an incidental take statement for the threatened loggerhead sea turtle (*Caretta caretta*), endangered green sea turtle (*Chelonia mydas*), the endangered leatherback sea turtle (*Dermochelys coriacea*), and the endangered hawksbill sea turtle (*Eretmochelys imbricata*).

In consideration of your request, the Service has reviewed our July 24, 2002, Biological Opinion, sea turtle nesting data for the project area, and considered the cumulative effects of the project. Based on our review, the Service believes that the proposed modification will not significantly change the effects of the project or the amount of incidental take anticipated. 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 July 24, 2002, Biological Opinion 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,

A handwritten signature in black ink, appearing to read 'Paul Souza', is written over a horizontal line.

Paul Souza

Field Supervisor

South Florida Ecological Services Office

cc:

Corps, Jacksonville, Florida (Mike Nowicki)

DEP, Tallahassee, Florida (Lainie Edwards)

EPA, West Palm Beach, Florida

FWC, Tallahassee, Florida (Robbin Trindell)

Humiston & Moore Engineers, Naples, Florida (Kenneth Humiston)

NOAA Fisheries, St. Petersburg, Florida (Mark Sramek)

Service, Ecological Services, Jacksonville, Florida (Sandy MacPherson)

Service, Atlanta, Georgia (Joe Johnson) electronic copy

USGS, Biological Resources Division, Gainesville, Florida