

ATTACHMENT NO. 31
BIOLOGICAL OPINION

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Nesting Sea Turtles

USACE has determined that the sand placement activities of the proposed project fall within the scope of the USFWS Statewide Programmatic Biological Opinion (SPBO) (USFWS, 2011). The construction of new groin features require formal consultation with USFWS. USACE has requested consultation with USFWS in a letter dated January 29, 2015 and coordination with USFWS will be finalized prior to completing the NEPA process.

Swimming Sea Turtles

The project will adhere to all turtle safety precautions outlined in the NMFS Gulf of Mexico Regional Biological Opinion (GRBO) (November 19, 2003; Revision No 1, June 24, 2005; Revision No. 2, January 9, 2007), as well as implement the NMFS *Sea Turtle and Smalltooth Sawfish Construction Conditions* during project construction (NMFS, 2006). No additional coordination is required with NMFS for federally listed species under the scope of the GRBO.

Piping Plover

USACE has determined that the minimization measures, Reasonable and Prudent Measures, and Terms and Conditions in the USFWS Programmatic Piping Plover Biological Opinion (P³BO; May 22, 2013) are applicable to the project, and has requested concurrence from USFWS in a letter dated January 29, 2015. The proposed action will not adversely modify critical habitat.

Rufa Red Knot

The USACE also requested formal consultation for the rufa red knot in the letter dated January 29, 2015. The USFWS has not designated critical habitat for the rufa red knot. Coordination with USFWS will be finalized prior to completing the NEPA process.

Copies of USFWS and NMFS coordination letters and/or Biological Opinions will be provided to FDEP as soon as they are available.

References

National Marine Fisheries Service (NMFS). 2003. Gulf of Mexico Regional Biological Opinion (GRBO) on hopper dredge use for maintenance dredging of channels and sand mining by the four USACE Gulf of Mexico Districts. Revision No 1, June 24, 2005; Revision No. 2, January 9, 2007.

National Marine Fisheries Service (NMFS). 2006. Sea turtle and smalltooth sawfish construction conditions. National Marine Fisheries Service (NMFS), U.S. Department of Commerce. 1 p.

U.S. Fish and Wildlife Service (USFWS). 2011. Shore protection activities along the coast of Florida. Statewide Programmatic Biological Opinion (SPBO). August 22, 2011. Prepared by U.S. Fish and Wildlife Service. 201 p.

U.S. Fish and Wildlife Service (USFWS). 2013. Programmatic piping plover biological opinion (P³BO). May 22, 2013. Prepared by U.S. Fish and Wildlife Service. 42 p.