

**ATTACHMENT NO. 35**

**ENDANGERED SPECIES PROTECTION PLAN**

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The following conservation measures will be implemented in order to protect endangered species during construction of the Lido Key Hurricane and Storm Protection Project. Sarasota County will adhere to all permit and Biological Opinion conditions. Additional information on listed species is included in Attachment No. 29.

**Manatee Protection Measures**

The following manatee protection measures will be implemented to minimize potential impacts to manatees during construction:

- (1) The contractor will advise all personnel associated with the project construction of the potential presence of manatees in the project area and the need to avoid collisions. All construction personnel shall be responsible for observing water-related activities for the presence of manatees and shall implement appropriate precautions to ensure the protection of manatees.
- (2) All construction personnel shall be advised that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Marine Mammals Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Sanctuary Act. The contractor shall be held responsible for any manatee harmed, harassed, or killed as a result of the construction of the project.
- (3) Prior to the commencement of construction, the contractor shall construct and install at least two temporary signs concerning manatees. One sign, for all vessels, with a size of at least 8.5" x 11", shall read "Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area". A second temporary sign, at least 8.5" x 11", shall read "Caution: Manatee Habitat. Equipment must be shutdown immediately if a manatee comes within 50 feet of operation. A collision with and/or injury to a manatee shall be immediately reported to the Florida Marine Patrol at 1-888-404-3922 and the U.S. Fish and Wildlife Service at 1-561-562-3909," the second sign shall be located adjacent to the displayed construction permit.
- (4) All vessels associated with the project will be required to operate at "no wake" speeds at all times while in waters where the draft of the vessel provides less than four feet of clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
- (5) If a manatee is sighted within a hundred yards of the construction area, appropriate safeguards will be taken, including suspension of construction activities, if necessary, to avoid injury to manatees. These precautions shall include the immediate shutdown of all moving equipment when a manatee is sighted within 50 feet of construction. Construction activities shall not resume until the manatee has departed from the construction area on its own volition.

(6) The contractor shall maintain a log detailing sightings, collisions, or injuries to manatees should they occur during the contract. Within 90 days after the contract period, a report summarizing incidents and sightings shall be submitted to the Florida Fish and Wildlife Conservation Commission (FWC) Bureau of Protected Species Management and to the U.S. Fish and Wildlife Service.

(7) Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-888-404-3922 and U.S. Fish and Wildlife Services.

### **Sea Turtle Protection Measures**

The following provisions for the protection of sea turtles shall be implemented to avoid/minimize potential impacts to sea turtles:

(1) If the beach nourishment project will be conducted during the period from May 1 through October 31, daily early morning surveys for sea turtle nests shall be conducted within the period from April 15 through October 31 that the project is being conducted, and eggs shall be relocated using accepted methods.

(2) The contractor shall inform all personnel of the potential presence of sea turtles in the project area, their threatened/endangered status, the need for precautionary measures, and that there are civil and criminal penalties for harming, harassing, or killing sea turtles and other listed species which are protected under the Endangered Species Act of 1973, as amended.

(3) All dredge personnel and dredge inspectors shall be required to monitor the dredge area and beach disposal area for the presence of sea turtles. If a sea turtle or sea turtle nest is observed within the project area, the dredge personnel are to avoid the sea turtle or nest and must immediately advise the sea turtle monitoring person assigned to the project.

(4) The contractor shall be required to inform the National Marine Fisheries Service immediately should the “taking” of a sea turtle occur. In the event that an unmarked sea turtle nest or a dead, injured, or sick sea turtle is discovered during construction activities, the marine turtle permit holder and the Bureau of Protection Species Management shall be notified immediately such that appropriate conservation measures can be taken.

(5) To minimize adverse effects to sea turtles, night time lighting will be minimized by screening or shielding lights where possible.

(6) If project construction is to occur during the sea turtle nesting season, a sea turtle monitoring and nest relocation program shall be implemented in conjunction with the project. Florida Fish and Wildlife Conservation Commission (FWC) guidelines will be used during any sea turtle monitoring and/or nest relocation activities related to project construction.

(7) If project construction is to occur during the sea turtle nesting season, nest surveys and relocations will be conducted by personnel with prior experience and training in nest survey and relocation procedures, and with a valid FWC permit.

(8) If project construction is to occur during the sea turtle nesting season, nests shall be relocated between sunrise and 9 a.m. each day as per permit holder guidelines from FWC, and the relocation will be to a nearby self-release beach hatchery in a secure setting where artificial lighting will not conflict with hatchling orientation.

(9) If project construction is to occur during the sea turtle nesting season, if beach fill is to be deposited at night, and if the effected beach area is expected to exceed 100 feet in length, the effected beach shall be surveyed hourly for sea turtle nests. Any nests discovered shall be relocated prior to fill placement in that area.

(10) If project construction is to occur during the sea turtle nesting season, all construction pipeline shall be placed parallel to shore and as far landward as possible without impacting the dune system. All temporary storage of pipeline and equipment shall be off of the beach whenever possible, or as far landward as possible without impacting the dune system, if beach storage is required.

(11) Immediately after completion of the construction project, sand compaction shall be measured by use of a cone penetrometer. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area) and one station shall be midway between the dune line and the high water line (normal wrack line). At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lay over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Nourished beach areas will be tilled to a depth of at least 36 inches immediately following completion of beach nourishment if sand compaction is greater than 500 cone penetrometer units at any two adjacent stations at any depth. All tilling must be completed prior to April 15 unless project construction has not been completed. If project construction continues into the early portion of the nesting season, then all tilling shall be completed prior to May 1.

(12) Following completion of the project, and before April 15, visual surveys for escarpments along the project area shall be conducted. Any escarpments which interfere with marine turtle nesting, or which exceed 12 inches in height for a distance of 100 feet, shall be mechanically leveled to the natural beach contour

prior to May 1. If project construction continues into the early portion of the nesting season, then all escarpments may be required to be leveled immediately, while protecting nests that have been relocated or left in place. A written report containing the compaction measurement and results of the visual survey for escarpments shall be submitted to the Florida Fish and Wildlife Conservation Commission prior to commencement of the nesting season (May 1).

### **Shorebirds**

Shorebird surveys will be conducted within the project area and reports submitted in compliance with permit requirements and in coordination with Federal and State agencies. See Attachment No. 30 for additional information regarding wildlife surveys on Lido Key.

### **Smalltooth Sawfish**

The permittee shall comply with the *NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions*. These conditions stipulate that if a sawfish is observed within 100 yards of construction operations, all appropriate precautions shall be implemented to ensure its protection, including cessation of operation if the animal moves within 50 ft of any moving equipment.