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United States Department of the Interior **FILE**

FISH AND WILDLIFE SERVICE

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January 23, 2007

Ms. Susan Rees, Ph.D
Coastal Environmental Branch
U.S. Army Corps of Engineer, Mobile District
P.O. Box 2288
Mobile, Alabama 36628-0001

Attn: Elizabeth Godsey

Re: FWS Log No. 4-P-97-008
Panama City Beach Nourishment
Bay County, Florida

Dear Ms. Rees:

This letter continues the Fish and Wildlife Service (Service) and the U.S. Corps of Engineers, Mobile District (Corps) section 7 consultation under the Endangered Species Act for the Panama City Beaches federal beach nourishment project in Bay County, Florida. Specifically, this coordination concerns the lighting survey conducted as a requirement of the consultation for the nourishment work performed post-Hurricane Ivan. Our comments are provided in accordance with the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The Service determined that the final lighting survey provided by the local sponsor was not complete and did not meet the requirements of the consultation. In a letter dated December 1, 2006, to the Panama City Tourist Development Council (TDC) we indicated that the survey report needed to be revised and include the identified items in our letter. The TDC requested a meeting to discuss the issue. Thus, a meeting was held on January 5, 2007, with the Corps and the TDC, and Ms. Debbie Flack, a consultant for the TDC. It was agreed at the meeting that regardless of the completeness of the lighting survey, the survey documented lights that could be a problem for sea turtle nesting on the beaches of Bay County and the City of Panama City Beach. The meeting was productive and a recommended plan of action was proposed by the TDC to address the lighting issue. The Corps and the Service were in agreement with the proposal. A decision regarding the need to complete the lighting survey was postponed by the Service.

The Service maintains their position that the lighting survey is incomplete and does not meet the requirements of the consultation. However, at this time we believe it would be unproductive to

spend additional resources to complete the lighting study. The issue remains that the lighting on the project beaches has and will continue to cause disorientations of nesting and hatchling sea turtles. The TDC has proposed to prepare an action plan to address the lighting. The plan will incorporate the use of a variety of measures to minimize lighting that could affect sea turtles and to protect sea turtle nests that could be affected by the lighting. They anticipate a phased approach to address the lighting because of the project length and the need to coordinate with two governmental entities, Bay County and the City of Panama City Beach. The Service concurs with the intent of the proposed action by the TDC. However, because the proposed 2007 nourishment work is to begin this spring, some action is needed by the TDC to formalize their commitment. Thus, the Service requires that a draft plan of action be submitted by April 1, 2007. In addition, because the federal project spans beaches covered by Bay County and the City of Panama City Beach, a letter of intent from both entities to participate in the plan of action and subsequent efforts will need to be submitted by March 1, 2007.

The Service recommends that the consultation process for the project continue to proceed so that the lighting issue and other section 7 issues are addressed and that the project may move forward in a timely manner. Please contact Lorna Patrick of this office at ext. 229 concerning this matter.

Sincerely,



Janet Mizzi
Deputy Field Supervisor

cc:

FWS, Jacksonville, FL (Nicole Adimey)
NMFS, Protected Species, St. Petersburg, FL
FWC, Non-game Program, Panama City, FL (John Himes)
FWC, Imperiled Species Mgt. Section, Tallahassee, FL (Robbin Trindell)
FDEP, Office of Beaches and Coastal Systems, Tallahassee, FL
Kennard Watson, RMA, Turtle Watch Program, PCB, FL
Bob Warren, Bay County TDC, PCB, FL
Bay County Board of Commissioners, Bay County, FL