



## 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

February 20 2007

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: 41420-2006-F-0855  
Corps Application No.: SAJ-2005-53 (IP-TKW)  
Formal Consultation Initiation Date: October 20, 2006  
Applicant: South Florida Water  
Management District  
Project: Everglades Agricultural  
Area Reservoir A-1  
County: Palm Beach

Dear Colonel Grosskruger:

On October 20, 2006, the U.S. Army Corps of Engineers (Corps) delivered a letter to the Fish and Wildlife Service (Service) initiating formal consultation for the federally threatened eastern indigo snake (*Drymarchon corais couperi*) for the EAA Reservoir A-1 Project (A-1 Project). On November 21, 2006, the Service issued the Corps a biological opinion for the eastern indigo snake including incidental take, reasonable and prudent measures, terms and conditions, and conservation recommendations. The Corps subsequently provided Modification #1 to the SAJ-2005-53 (IP-TKW) permit on December 14, 2006, indicating that the South Florida Water Management District (District) will incorporate the mandatory terms and conditions associated with incidental take for the eastern indigo snake as specified in the biological opinion.

This letter addresses a request from the District related to item 1.c. of the terms and conditions in the biological opinion which states, "For avoidance and safety reasons, a speed limit of 25 miles per hour (mph) will be posted for all vehicular traffic."

On December 6, 2006, the Service attended an interagency site visit of the A-1 Project. During the visit, the District Project Manager advised that personnel were being directed to adhere to the 25 mph speed limit identified in the biological opinion, as evidenced by the speed limit signs posted along roads within the project footprint. However, the Project Manager also identified several concerns regarding the 25 mph speed limit. One concern related to the increased time needed to complete the project, thereby delaying when environmental benefits would be realized. In addition, human safety was a concern due to the agricultural interim land uses allowed on the site. Although the District and contracted personnel are adhering to the 25 mph speed limit, the large agricultural vehicles and equipment are not bound by the speed limit and continue to travel at much higher speeds, resulting in following District vehicles very closely and passing in an

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unsafe manner. As a result, the Project Manager is concerned for the safety of District and contracted personnel, as well as the safety of the agricultural employees. Due to the concerns, the Project Manager requested the Service increase the allowed speed limit to 45 mph on major levee roads and 35 mph on the unpaved internal "haul roads", or some limit higher than 25 mph on all roads within the project footprint. The Service took the request under advisement.

The origin of the 25 mph speed limit term and condition for the eastern indigo snake was not based on any Service or other case history, but rather on a general speed limit used occasionally by the Corps and Service for wildlife. In addition, the major levee roads that are also used by agricultural vehicles are paved or of light colored gravel and thus an eastern indigo snake would likely be visible on the roads. Therefore, after reviewing the District's concerns and history of the 25 mph speed limit for eastern indigo snakes, the Service agrees to allow 35 mph on the major levee roads that are also used for agricultural interim use activities. These roads include, but are not necessarily limited to, the "Talisman" and "Woerner" roads identified by the Project Manager during the site visit.

Due to the newly constructed nature of the "haul roads" potentially bisecting established eastern indigo snake vegetated habitat (fallow agricultural fields), and because the roads are not being used by vehicles for interim land use purposes, the 25 mph speed limit will remain in effect for these roads.

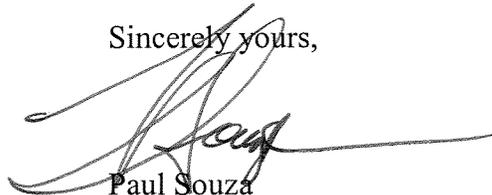
Below is the new term and condition replacing Item 1.c. in the original biological opinion:

"For avoidance and safety of the eastern indigo snake, a speed limit of 35 mph will be posted for all vehicular traffic on levee roads that are also used by vehicles conducting interim land use activities. A speed limit of 25 mph will be posted on all other roads within the project footprint. Signs indicating the approved speed as well as 'Caution, Eastern Indigo Snakes' will be erected every mile along all roads."

All other reasonable and prudent measures and their implementation, all other terms and conditions, and all reporting and monitoring requirements remain the same as indicated in the November 21, 2006, biological opinion.

Thank you for your cooperation and effort in protecting wildlife resources. If you have any questions regarding this project, please contact Cindy Fury at 772-532-9776.

Sincerely yours,



Paul Souza

Field Supervisor

South Florida Ecological Services Office

cc:

Corps, Jacksonville, Florida (Pauline Smith, David Bauman)

Corps/SFRPO, West Palm Beach, Florida (Tori White)

District, West Palm Beach, Florida (Ken Ammon, Shawn Waldeck, John Mitnik)

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