



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Florida Ecological Services Field Office



In Reply Refer To:
04EF3000-2022-I-0044

Memorandum

To: Chief, Planning and Consultation Branch, Gulf Restoration Office, Fairhope, AL

From: Division Supervisor, Environmental Review

Subject: Re-initiation of Informal Consultation Request for Implementation of Nine Restoration Projects Proposed in the Florida Trustee Implementation Group's Restoration Plan #2 (EF2000-2021-B-0020) specifically St. Vincent National Wildlife Refuge Access and Recreational Improvements through Acquisition at Indian Pass, Applicant: U.S. Department of the Interior, Gulf County, Service Consultation Code: 04EF3000-2022-I-0044

The U.S. Fish and Wildlife Service (Service) has reviewed the Service's Deepwater Horizon Gulf Restoration Office request for re-initiation dated November 15, 2021, for U.S. Department of the Interior's (DOI) St. Vincent National Wildlife Refuge Access and Recreational Improvements through Acquisition at Indian Pass project. The Service determined that the proposed action may affect but is not likely to adversely affect the federally threatened rufa red knot (*Calidris cantutus rufa*). This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (ESA) (87 Stat. 884; 16 U.S.C. 1531 et seq.).

PROJECT DESCRIPTION

The project site is partially developed and partially undeveloped, undisturbed habitat, which currently is privately owned and used for recreational purposes. Sediments at the project site are characterized by a mix of fine sands and flooded soils. Multiple structures and facilities exist at the project site to support recreational activities. Indian Pass, a private campground, currently exists on site and contains camping infrastructure such as recreational vehicle (RV) sites, tent sites, and cabins. All camp sites have associated concrete camper pads and fire rings. Roads and unpaved parking areas exist throughout the project site. A boat ramp, dock (which is currently leased by St. Vincent National Wildlife Refuge [SVNWR]), and boat storage facility provide water access to Apalachicola Bay and the Gulf of Mexico. Various support infrastructure (e.g., fish cleaning station, bathroom and showers, dump station) service the private campground. Finally, an office store serves as a contact station for campground visitors.

The primary goals of this project are to (1) acquire and enhance a 10 to 15-acre parcel at Indian Pass to ensure access to SVNWR in perpetuity and (2) enhance recreational opportunities at the parcel. To accomplish these goals, the project would:

- Acquire the 10 to 15-acre Indian Pass parcel for inclusion into SVNWR;
- Ensure access and use of the boat dock/slip (for primary access to SVNWR);
- Increase vehicle/trailer unpaved gravel parking at the existing boat ramp from approximately 14 to 31 spaces;
- Install monofilament fishing line recycling bins;
- Convert the campground store to a visitor contact station for SVNWR, including installing educational signage;
- Designate a kayak boat launch that provides access to the shoreline; and,
- Construct an additional 10 unpaved parking spaces.

The acquisition would require a professional appraisal, a boundary survey, and a Level 1 contaminants survey. No in-water work is anticipated as part of this project.

SVNWR currently allows designated hunts on Refuge land, which include the harvest of white-tailed deer, sambar deer, feral hogs, and raccoon. The current dates with hunters on the refuge are October 27-31, 2021, November 17-21, 2021, and January 12-16, 2022. These dates are nearly the same every year. The dates just move a few days in either direction such that the hunt dates always run from Wed-Sun during the three hunt weekends each year. These are the only days that camping is allowed on the refuge. Should camping to be allowed on the Indian Pass property, SVNWR anticipates allowing camping on those same days.

The current boat trailer parking area (29.683428, -85.222372) is approximately 3,600 square feet (sq ft), (0.08 acres[ac]) with approximately 7 vehicle-boat trailer parking spots. There is an additional adjacent 3,050 sq ft (0.07 ac) parking area (29.683478, -85.222758) for vehicles without trailers, which has space for approximately 9 vehicles.

The proposed vehicle-trailer parking area (29.683544, -85.223536) will be 15,000 sq ft (0.34 acres) with the front linear span approximately 155 feet (ft), so maximum parking will add 15 spaces if spaced at 10 ft. This proposed area is already an RV parking area therefore so no habitat would need to be cleared to convert the area into a vehicle-trailer parking area.

The designated kayak launch area will be approximately 85 linear feet from north (29.685239, -85.221917) to south (29.685106, -85.2217) and include 6-7 designated kayak parking spaces within walking distance.

Designation of the kayak launch that provides access to the shoreline and improved unpaved, gravel parking facilities for this project could include use of heavy construction equipment, such as bulldozers, trucks, backhoes, tractor trailers, cranes, small excavators, forklifts, small power tools, generators, small trucks, and hand tools. Construction vehicles and equipment would enter the site from the nearby highway. Vehicles and staging equipment would utilize previously existing roads, parking areas, and disturbed areas.

The parcel's current visitor store has a tarp covered roof and needs remodeling to comply with federal building codes (e.g., Americans with Disabilities Act accessibility requirements, fire exit signs). This remodeling and roofing would involve the same equipment listed in the previous

paragraph. However, SVNWR is also considering removing the visitor store structure if the repair/remodel costs exceed the value of the building. In that case, SVNWR would consider a trailer that could be removed in the event of a hurricane.

The project would be completed in approximately five years. Acquisition would occur in Years 1-2. Construction of the amenities would occur in Year 3. Post-construction monitoring would occur in Years 4-5.

THREATENED AND ENDANGERED SPECIES

Rufa red knot (Calidris cantutus rufa)

Rufa red knots may be physically injured if struck by construction equipment or materials. This effect is discountable due to the species' ability to move away from the project site and into adjacent suitable habitat if disturbed. Mobile species, such as red knots, are able to avoid slow-moving equipment and the placement of material. Additionally, when red knots/shorebirds are identified, vehicle and foot traffic should not occur within 150 ft of the birds or within 10 ft of optimal habitat features even when birds are not present. A buffer of 500 ft or more from high tide roosting areas will be maintained, including from large flocks of shorebirds, when possible, as red knots/shorebirds may occur in mixed flocks. The buffers should be maintained for the duration of the work activities even if the birds depart or relocate.

Red knots are exposed to disturbance from recreational and other human activities throughout their nonbreeding range because red knots and recreational users (e.g., pedestrians, off-road vehicles, dog walkers, boaters) are concentrated on the same beaches (Niles et al. 2008; Tarr 2008). These activities can cause habitat damage, cause shorebirds to abandon otherwise preferred habitats, negatively affect the birds' energy balances, and reduce the amount of available prey (Anders and Leatherman 1987; Schlacher and Thompson 2008). In Florida, the most immediate and tangible threat to migrating and wintering red knots is chronic disturbance (Niles), which may affect the ability of birds to maintain adequate weights in some areas (Niles 2009; Niles et al. 2006, 2008).

Disturbance from both noise and construction activities will be temporary and therefore insignificant as symbolic fencing is present around the primary area used by rufa red knots for foraging and roosting and this area is closed year-round for protection. Personnel and vehicles should follow existing/established travel and access corridors and maintain slow speeds to avoid disturbing birds. In addition, signage is present in this area and educational outreach for visitors is ongoing. SVNWR will also be placing signage at the kayak/boat launch location to discourage visitors from disturbing red knots and educational outreach will also be implemented at the new visitor contact station. Additionally, the applicant agrees to adhere to the included Conservation Measures and Educational Signage. Signage may be modified to include existing signage language with the educational signage language provided below. Placement of the signage will be discussed and determined once the land acquisition has been completed.

CONSERVATION MEASURES

1. Do not disturb foraging or roosting red knots/shorebirds to the maximum extent practicable. A qualified biologist should survey the project area (i.e., operational site, access points, travel corridors, staging areas) for the presence of red knot/shorebirds or optimal habitat features (i.e., inlets, bayside sand and mud flats, tidal pools, wrack lines). Qualification requirements are listed on Florida Fish and Wildlife Conservation Commission's (FWC) website: <https://myfwc.com/conservation/you-serve/wildlife/shorebirds/bird-monitor/>. Educate personnel on avoiding those areas being used by the birds.^{1,2,3}
 - a. Red knot and other shorebird surveys are required as follows:
 - i. Pre-construction winter season (July 15 to May 15) surveys will be conducted three times per month for at least five months. Bimonthly (twice-monthly) surveys for red knots will be conducted thereafter for 2 years following construction. Surveys will include the construction area(s) and other beach or shoreline areas within or affected by the project.
 - ii. Monitoring and reporting of red knot and other non-breeding shorebirds will be consistent with protocols and data sheet formats developed for the FWC non-breeding shorebird database. Since red knot occurrence may be limited and sporadic for some sites, twice monthly surveys may fail to accurately document their use of a site or project impacts to favored habitat. Presence and abundance of more common shorebirds may act as surrogates for understanding project impacts on the red knot. This is especially true of those species that feed in a similar manner, by probing the sand in the intertidal zone for invertebrate prey.
 - iii. One of the monthly surveys will be initiated at dawn and completed within three hours of dawn to adequately assess the presence or absence of the species. If the entire project area cannot be surveyed within this timeframe, the survey will be completed on subsequent, consecutive days until the entire project area is surveyed.
 - iv. As the active construction area is unlikely to support red knot usage, this area will not be surveyed, however surveys will continue in all project areas not actively under construction during the construction period to assess the movement of the birds in response to construction activities. Areas not actively under construction may include, but are not limited to, staging/storage areas, areas planned for construction but are not currently being subjected to the action (e.g., kayak launch being constructed/designated at a time different from when the parking area is being expanded), or areas where construction has been completed but the project is still ongoing.
 - v. The person(s) conducting the surveys will demonstrate their qualifications and ability to identify shorebird species.
 - b. By July 31 of each year following the winter bird surveys, a report regarding red knot and other shorebird occurrence shall be forwarded to the Service. In addition to providing wintering survey data through May 15 of the current year, a brief summary will address: any discernable trends in pre-construction, during

construction, or post-construction beach use by feeding and roosting red knots; location of any identified feeding or roosting areas of importance, and any significant sources of disturbance to red knots encountered. A final report covering the final year of shorebird monitoring will include conclusions reached red knot distribution and abundance in the action area prior to and after the project.

- c. If online entry is available, the annual wintering shorebird survey data will be entered into FWC's online database (www.flshorebirddatabase.org).
 - d. Upon locating an injured, sick, or dead red knot, initial notification should be made to FWC Wildlife Alert at 1-888-404-FWCC (3922) and the Service's Panama City Ecological Services Field Office at 850-769-0552. Care shall be taken in handling injured red knots to ensure effective treatment or care and in handling dead specimens to preserve biological materials in the best possible state for potential analysis into cause of death.
2. When red knots/shorebirds are identified, vehicle and foot traffic should not occur within 150 feet of the birds or within 10 feet of optimal habitat features (even when birds are not present). The recommended buffers should be maintained for the duration of the work activities even if the birds depart or relocate. Personnel and vehicles should follow existing/established travel and access corridors and maintain slow speeds to avoid disturbing birds.^{1,2,3}
 3. Stay 500 feet or more away from high tide roosting areas, including from large flocks of shorebirds when possible, as red knots/shorebirds may occur in mixed flocks. If birds in the area are repeatedly being flushed (i.e., flying away), then you are too close and need to back away.^{1,2,3}
 4. Designate access points and travel corridors away from known shorebird foraging and roosting areas and keep all personnel, vehicles, and equipment within those designated corridors to minimize disturbance to birds and beach topographic alterations. Post and rope, as needed, to designate shorebird foraging and concentrated roosting sites during construction. Red knot habitat (intertidal areas, unvegetated beaches, mud and sand flats, emergent shoals, spits) adjacent to or near construction areas shall be avoided to the maximum extent practicable when staging or storing equipment, establishing access and travel corridors, and aligning equipment.^{1,2,3}
 5. Avoid driving up and down the shoreline to the maximum extent practicable to minimize disturbance to birds and to prevent altering beach topography. Keep all personnel, vehicles, and equipment within the designated work area/project footprint and access corridors.^{1,2,3}
 6. Use low-pressure tire (10 psi) or tracked vehicles (e.g., ATVs, dozers) or consult with a qualified biologist to avoid or minimize beach topographic alterations.^{1,2,3}
 7. Do not block major egress points in channels, rivers, passes, and bays to avoid disturbing natural coastal processes.^{1,2,3}
 8. Staging areas and waste collection areas should be located to avoid beaches, dunes, inlets, and ephemeral tidal pools. Maintain a clean work site and remove all trash and work-related debris daily. Workers shall be briefed on the importance of not littering and keeping the action area trash and debris free.^{1,2,3}
 9. Predator-proof trash receptacles shall be installed and maintained during construction at all access points used for project construction to minimize the potential for attracting predators of red knots and other shorebirds. These receptacles should remain post-construction for visitor use as well.^{1,2,3}

10. Although the presence of wrack is not common in the action area, should wrack accumulate, disturbing the wrack line during project work or while traveling to and from the project site shall be avoided. If the wrack line must be crossed by equipment or vehicles, gently hand rake the wrack out of the way to establish a designated travel corridor for crossing the wrack line. Restore the wrack to its original configuration once access across it is no longer needed.²
11. Avoid disturbing bay-side sand and mud flats to the maximum extent practicable.^{1,2,3}
12. Avoid impacts to dune systems, both vegetated and non-vegetated, including trampling any dune vegetation. Always use existing designated travel and access corridors. If necessary, establish a buffer with flagging from the toe of the slope of the dune to a radius of 10 feet. Where vegetation extends off the dune onto the beach, the buffer should extend 10 feet from the vegetation.^{1,2,3}
13. Restore beach topography and the wrack line to their natural pre-project conditions to the maximum extent practicable.³
14. Make signage poles/pilings within 300 feet of shorebird use areas avian predator-free by using pointed tops instead of flat tops.^{1,2,3}
15. Contractors/workers/other personnel should not bring pets into the area.^{1,2,3}

Table 1. Number Key to Conservation Measures

Project Timeline Numerical Identifier	Conservation Measure Implementation Timeline
1	Pre-construction may include mobilization, staging, and/or site preparation
2	Concurrent construction
3	Post-construction may include tear-down and removal

EDUCATIONAL SIGNAGE

Share the Shore with OUR WILDLIFE

Our beaches are home to shorebirds like sandpipers and plovers, and to seabirds such as gulls and terns. Many of these birds are present in Florida fall through spring, but migrate north to nest. Others are here all year.



The Red Knot is a federally protected threatened species.

The Red Knot's Journey

Red Knots may travel 20,000 miles each year between their Arctic nesting areas and winter homes. Many winter in Florida; others pass through in migration. They depend on our beaches and flats for food they need to survive and the energy reserves to sustain them in their travels.



Food for Our Birds

Invertebrates living in wrack and wave-washed sands provide food for Red Knots and other shorebirds.



Nesting Shorebirds and Sea Turtles



Snowy Plover with eggs and chick

Some species of shorebirds and seabirds nest on our beaches March to August. Watch out for nests and chicks, which may be difficult to see. Respect posted nesting areas and move away if adult birds seem disturbed.



Loggerhead sea turtle track, egg laying, and nest covering

Sea turtles nest on Florida beaches mainly from May to October. Experience nesting with a permitted guide. Sea turtles may abandon nesting if approached too closely. Keep at a distance, remain quiet, and keep all lights off. Turtles and nests must not be disturbed.

You Can Help

- Never intentionally flush shorebirds. Walk around groups of feeding or resting birds.
- Don't let your children chase birds. When forced to fly, birds use up energy reserves.
- Obey pet ordinances. Shorebirds are scared by dogs, even when dogs are leashed.
- Share the word. Human disturbance is the number one threat to our shorebirds.
- Don't feed gulls and other wildlife.
- Dispose of trash properly.



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The Wrack COMMUNITY

The wrack is stuff cast ashore by the sea. Much of this once grew in the sea, like seaweeds and seagrasses. These marine castaways foster protective dunes and support a unique natural community that brings life to the beach.

Beach Wrack Life

1 Currents and winds transport marine plants and other floating material onto the beach.

2 As wrack ages, it provides for the growth of fungi and other organisms.

3 Small animals like insects and beach-hoppers feed on fungi growing in the wrack, as well as on the marine creatures that wash ashore.

4 The smaller animals in the wrack provide food for shorebirds, which rely on this sustenance to fuel their long-distance migrations.

5 Clumps of old wrack provide wind shadows that begin to collect wind-blown sand and tumbling plant seeds on the upper beach.

6 Sprouting plants grow more quickly through their vulnerable period thanks to nutrients provided by the decaying wrack.

7 Some clumps grow into low dunes out on the upper beach. If left undisturbed, these small dunes can grow into substantial mounds capable of protecting upland property from storm erosion.

The Threatened Piping Plover

■ Northern Great Plains Population
■ Great Lakes Population (Endangered)
■ Atlantic Coast Population
■ Wintering Range (all populations)

The Piping Plover is federally protected and designated a threatened species. They nest in the northern U.S. and Canada. Many winter along Florida beaches.

Piping Plovers Need Natural Beaches

Piping Plovers are small, sand-colored birds with a white collar and orange legs. Breeding birds have a black forehead, dark breastband, and a dark orange bill with a black tip. Birds not in breeding plumage lack the dark markings on the head and breast, and can have a black bill.

Piping Plovers can be found on Florida beaches during spring and fall migrations and throughout the winter. These birds rest on the upper beach and forage for insects and worms with other shorebirds in the wrack and swash zone, and on nearby mudflats.

Let birds feed and rest



If birds take flight, you are too close. For migratory birds, feeding and resting on our beaches is key to their survival.

Respect posted nest areas



Keep out of posted areas. Disturbances to birds cause nests or entire colonies to be abandoned.

Obey pet regulations



Even leashed dogs on the beach scare birds. Frightened birds are forced to leave eggs and chicks unprotected.

Protect dune vegetation



Dune plants build and stabilize the beach, and provide cover and food for wildlife.

Pick up trash



Picking items by hand makes it unnecessary to rake the beach in ways that remove wrack and uproot sprouting plants.



Threats to the Wrack Community

Some of our efforts to "clean" the beach include the mechanized removal of wrack from the beach. Unfortunately, the barren shores left by beach cleaning and grooming machines are not hospitable to beach life. Without wrack, some of the most interesting attributes of a beach are also absent.



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Because all potential project effects to listed species were found to be discountable and insignificant, USFWS concurs that the proposed action is not likely to adversely affect listed species. This letter fulfills the requirements of Section 7 of the Act and further action is not required. If modifications are made to the action, if additional information involving potential effects to listed species becomes available, or if a new species is listed, re-initiation of consultation may be necessary.

Thank you for your cooperation in the effort to protect fish and wildlife resources. If you have any questions regarding this project, please contact Laura Wright, Fish and Wildlife Biologist, at laura_wright@fws.gov or 850-769-0552, ext. 45227.

LITERATURE CITED

Anders, F.J. and S.P. Leatherman. 1987. Disturbance of beach sediment by off-road vehicles. *Environmental Geology and Water Sciences* 9:183-189.

Niles, L.J. 2009. Red knots wintering on the Florida Gulf Coast 2005-2009. Unpublished final report (Report on Red Knot Surveys in Florida 2008-2009). Neotropical Migrant Bird Conservation Act. Project #3556, Agreement #NJ-N31.

Niles, L.J., A.D. Dey, N.J. Douglass, J.A. Clark, N.A. Clark, A.S. Gates, B.A. Harrington, M.K. Peck, and H.P. Sitters. 2006. Red knots wintering in Florida: 2005/6 expedition. *Wader Study Group Bulletin* 111:86-99.

Niles, L.J., H.P. Sitters, A.D. Dey, P.W. Atkinson, A.J. Baker, K.A. Bennett, R. Carmona, K.E. Clark, N.A. Clark, and C. Espoza. 2008. Status of the red knot (*Calidris canutus rufa*) in the Western Hemisphere. *Studies in Avian Biology* 36:1-185.

Schlacher, T.A. and L.M.C. Thompson. 2008. Physical impacts caused by off-road vehicles (ORVs) to sandy beaches: Spatial quantification of car tracks on an Australian barrier island. *Journal of Coastal Research* 24:234-242.

Tarr, N.M. 2008. Fall migration and vehicle disturbance of shorebirds at South Core Banks, North Carolina. North Carolina State University; Raleigh, North Carolina.