



United States Department of the Interior



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March 21, 2022

Ms. Jennifer L. Jacobson, Chief
Coastal Environmental Team
Planning and Environmental Division
U.S. Army Corps of Engineers, Mobile District
P.O. Box 2288
Mobile, AL 36628-0001

Attn: Mr. Matt Lang

Re: FWS Ecosphere No: 2022-0007586- Formal;
And FWS Log No. Programmatic Statewide BO
(SPBO) 41910-2011-F-0170, Revised
March 13, 2015.
Date Consultation initiated December 9, 2022
Project Title: Lower Pensacola Navigation Channel
Dredge and Sand Placement.
Location: Gulf Islands National Seashore,
Perdido Key
County: Escambia County, Florida

Dear Ms. Jacobson:

The Fish and Wildlife Service (Service) received a request for consultation via electronic mail dated December 9, 2021, from Matt Lang of your staff. The U.S. Army Corps of Engineers (Corps) proposes operation and maintenance (O&M) dredging of the federally authorized Lower Pensacola navigation channel in Escambia County, Florida (Figure 1). The Corps, in coordination with the Gulf Islands National Seashore- National Park Service (GUIS-NPS) staff, propose sand placement from channel withdrawals to occur within a narrowing section of Perdido Key barrier island, adjacent and west of Pensacola Pass, located within the GUIS-NPS land. Historically, sands placement occurred near shore to reduce environmental impacts but

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current considerations include the long-term goals of protecting the barrier island from sea level rise.

In discussion with the Corps, Service, GUIs, and Florida Fish and Wildlife Conservation Commission (FWC) staff, while meeting on Perdido Key in July 2021, we collectively agreed that adding sand directly onto the island might increase the width and therefore the longevity of the island in light of sea level rise and increasing storm events. The barrier island system within GUIs-NPS purview is important for recreation, cultural and natural resources such as imperiled nesting sea turtles, shorebirds, and beach mice.

In late March through end of April 2022, the Corps is to dredge the channel to maintain a bottom width of 500 feet at a depth of -39 feet Mean Low Low Water. Approximately 160,000 cubic yards of dredged sand will be placed within an 0.80 mile section on Perdido Key barrier island within GUIs-NPS lands between coastal range monuments R-59 and R-65, just under 1 mile in length, parallel to the shoreline. The highest point is to occur mid-beach at 6 feet with a gradual slope decline to -12 feet below the Gulf of Mexico intertidal zone.

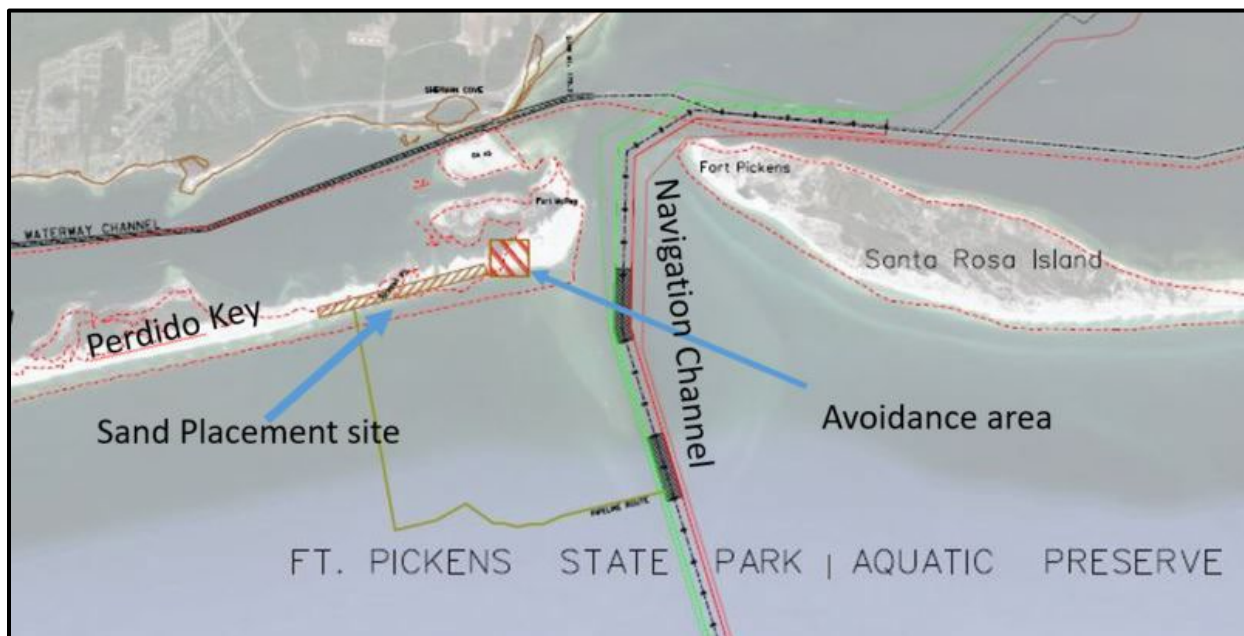


Figure 1. Pensacola Navigation Channel Operation and Maintenance dredging and adjacent sediment placement Project Area within Perdido Key barrier island, NPS lands, Escambia County, Florida.

The Corps determined the project may affect, likely to adversely affect (LAA) nesting loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*) Kemp's ridley (*Lepidochelys kempii*) and hawksbill (*Eretmochelys imbricata*) sea turtles. Since the project was designed to avoid impacts to the endangered Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*), the Corps made a may affect, not likely to adversely affect

determination for the Perdido Key beach mouse, and a may affect, not likely to adversely modify designated critical habitat associated with the species. The Corps, in discussion with the Service, made a may affect, not likely to adversely affect for piping plovers (*Charadrius melodus*) and red knots, (*Calidris canutus rufa*). A may affect, not likely to adversely affect determination was also made for the West Indian manatee (*Trichechus manatus latirostris*). No critical habitat occurs on Perdido Key for piping plovers or red knots. The Corps, via their December 2021 letter, commit to following the requirements within the Florida Statewide Programmatic Biological Opinion (SPBO) signed in 2015 for nesting sea turtles and manatees. The Corps and NPS staff will handle the required post project monitoring requirements.

We provide comments in accordance with the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1351 *et seq*) and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-712). The Service concurs with the Corps determination of may affect, likely to adversely affect for the threatened loggerhead, endangered green, endangered leatherback, hawksbill and endangered Kemp's Ridley nesting sea turtles. The Service concurs with the determination of not likely to adversely affect the Perdido beach mouse, its critical habitat, and not likely to adversely affect the manatee following manatee in-water guidelines.

Red knots occur inconsistently in northwest Florida counties, west of Bay County. We therefore consider this site as unoccupied by red knots and concur with the Corps determination of may affect, not likely to adversely affect in the course of this proposed action. Any loss of intertidal foraging habitat by sand placement that may be used on occasion is considered temporary in nature and therefore a discountable impact.

The last decade has seen a sharp decline in piping plover use of areas in northwest Florida counties including within GUIIS-NPS. The causes are unknown but lack of optimal habitat features of overwash flats and unhardened inlets coupled with human disturbance and increased avian predation are likely reasons associated with the decline. The NPS does provide protective posting on key sections of bayside and lagoon habitat when piping plovers are confirmed on their properties. Within the Perdido Key island shoreline, NPS staff report use of the inlet and nearby bayside by 1-2 piping plovers. Optimal foraging and roosting areas are not within the Project Area. In September 2020, Hurricane Sally, a Category 2 storm event created 3 inlets within the Project Area. These inlets quickly filled in from natural accretion. During the July 2021 meeting with the state and federal agency personnel, we discussed the narrowness of the Project Area and the paucity of adjacent bayside sand and mudflats that provide suitable foraging for most shorebird species. Increasing storm frequency and severity are factors that support the collective group stance that sand placement mid-beach, at approximately 6 feet in height, might improve island stability during future overwash events by forcing sands towards the bayside. These future actions may assist in widening the island as well as creating a more gradual intertidal slope on the bayside, thereby creating additional optimal foraging features shorebirds prefer, including piping plovers. We therefore concur with the Corps determination of may affect, not likely to adversely affect for piping plovers. We believe that this project may have beneficial effects. Any loss of invertebrates within the Gulf of Mexico intertidal foraging zone by sand placement that may be used on occasion is considered temporary in nature and therefore a discountable impact. The NPS staff conduct bi-monthly surveys for piping plovers and red knots. The results of

continued surveys will confirm any increase in use of the Project Area and adjacent flats by piping plovers or red knots.

In coordination with the Corps, the Service updated the SPBO in 2015. Per their December 2021 letter, the Corps has agreed to project requirements as authorized under **FWS Log No. Programmatic Statewide BO (SPBO) 41910-2011-F-0170, Revised March 13, 2015.** Specifically, the Conservation Measures, Reasonable and Prudent Measures and Terms and Conditions apply as summarized for shore protection activity #5: “Current Operations and Maintenance (O&M) dredging of navigation channels with beach disposal” and as written in the Service’s revised 2015 SPBO for manatees and nesting sea turtles. We have assigned the Service log number **2022-0007586- Formal** to this specific consultation.

The SPBO (2015), Term and Condition B10, page 150-151, requires post project sand compaction monitoring and or tilling requirements. The Corps and US Geological Survey staff have collected pre-sediment placement compaction readings under the impetus of an unrelated research project and as fulfillment of this Term and Condition. Post-placement compaction readings will also be collected. NPS staff request an exemption from tilling the beach, post sand placement. The Service agrees with this request. Regardless of compaction readings, the Service has revoked the requirements of tilling at this time. The Project area is less than a mile in length which is small by comparison to other sand placement events. GUIIS-NPS has low sea turtle nesting within the Perdido Key barrier island but high use of the area by endangered Perdido Key beach mice and state imperiled nesting shorebirds that use the Project Area year-around. Impacts from tilling actions including disturbance, vegetation damage and wrack line impacts are likely greater than the benefits achieved for nesting sea turtles. Monitoring requirements of sea turtle nesting activities for the next three years may inform of higher false crawl events.

FWC provided the Corps and NPS personnel protective actions intended to reduce the likelihood of impacts to nesting shorebirds during project implementation. These guidelines, if followed, find the Corps as consistent with the provisions and intentions of the MBTA.

REINITIATION NOTICE

As provided in 50 CFR §402.16, reinitiation of formal consultation for any species reflected in this document is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take i.e. the shoreline amount described herein is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take shall cease pending reinitiation

The Service appreciates the cooperation of the Corps and the NPS personnel during this consultation. If you have any questions about this opinion, please contact Patty Kelly of this office at 850-532-5401.

Sincerely,

Catrina Martin
Environmental Review Supervisor,
Panama City Field Office Station Lead

cc: (all electronic)
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FWC, fwcconservationplanningservices@myfwc.com