



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

M. Mroczko

IN REPLY REFER TO:
2014-CPA-0027

DEC 8 9 2013

District Commander
U.S. Army Engineer District Mobile
P.O. Box 2288
Mobile, AL 36628-0001

ATTN: Mr. Don Mroczko

Dear Sir:

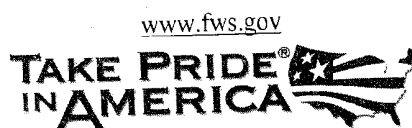
This is the report of the U.S. Fish and Wildlife Service (Service), concerning public notice SAM-2013-0152-DEM, in which the applicant, the Alabama Department of Conservation and Natural Resources, is requesting authorization to conduct marsh restoration activities at Marsh Island located in the Portersville Bay area of the Mississippi Sound, Mobile County, Alabama. Following are the Service comments concerning this federally authorized project as it relates to the Marine Mammal Protection Act of 1972 ((16 U.S.C. 1361-1407), and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 Cr.S.C. 1531 et seq.).

The Service is concerned about the potential indirect or direct physical impact on endangered Florida manatees (*Trichechus manatus latirostris*) which may be migrating through the project area during the proposed construction operation. Direct impacts could occur from dredge, boat, barge, or other construction activities. Because manatees are known to seasonally occur in the area proposed for construction, and could be affected by this activity, we believe that this project, as described, may affect the manatee.

The Florida manatee lives in freshwater, brackish and marine habitats. Submerged, emergent, and floating vegetation are their preferred food. During the winter, cold temperatures keep the population concentrated in peninsular Florida where many manatees rely on the warm water from natural springs and power plant outfalls. During the summer, they expand their range and are seen (rarely) as far north as Rhode Island on the Atlantic coast and as far west as Texas on the Gulf coast. The most significant problem presently faced by manatees in Florida is death or serious injury from boat strikes. Manatee sightings have been documented in Mobile Bay and/or its tributaries for the past twenty years, usually during the period May - December.

The Service proposes that the applicant implement the "Standard Manatee Construction Conditions" that we have recommended in previous consultations for similar marine operations within Alabama (attached). The Service believes that if these conditions are implemented then there will be no adverse impact to the manatee and formal consultation will not be required. If these steps cannot be exercised or there is an occurrence of collision with and/or injury to a

PHONE: 251-441-5181



FAX: 251-441-6222

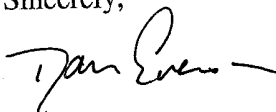
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manatee as a result of the proposed project, then further consultation with this office should be undertaken. We request that any observation of a manatee within the area during project operations be reported to this office.

Thank you for the opportunity to comment on your project. Please keep us informed of your decision. For further discussion, please contact Josh Rowell of my staff at (251) 441-5836.

Sincerely,



Dan Everson
Deputy Field Supervisor
Alabama Ecological Services Field Office

Enclosure

ALABAMA
STANDARD MANATEE CONSTRUCTION CONDITIONS

- a. The lessee/grantee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatees.
- b. The lessee/grantee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to, or exit from, essential habitat.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- e. If manatees are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure their protection. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/or injury to a manatee shall be reported immediately to the U.S. Fish and Wildlife Service in Daphne (251-441-5181).
- g. Temporary signs concerning the manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the lessee/grantee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8½" by 11" which reads *Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the U.S. Fish and Wildlife Service in Daphne (251-441-5181).*

TEMPORARY MANATEE SIGNS
for standard manatee construction conditions

The *Caution: Manatee Area* signs are available through the companies listed below and may also be available from other local suppliers. Permit/lease holders, should contact sign companies directly to arrange for shipping and billing.

Cape Coral Signs & Designs Inc.
1311 Del Prado Boulevard
Cape Coral, Florida 33990
1-800-813-9992
FAX 813-772-9992

Municipal Supply and Sign Company
P.O. Box 17
Naples, Florida 33939-1765
1-800-329-5366
813-262-4639
FAX 813-262-4645

JADCO Signing Inc.
708 Commerce Way
P.O. Box 911
Jupiter, Florida 33458
1-800-432-3404
407-747-1065
FAX 407-744-2985

The second sign should be at least 8½ inches by 11 inches, and should read:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the U.S. Fish and Wildlife Service in Daphne (251-441-5181).

An example is enclosed, and this example can be copied and used during construction activities.

CAUTION

MANATEE HABITAT

**IDLE SPEED IS REQUIRED IF OPERATING A VESSEL IN
THE CONSTRUCTION AREA.**

**ALL EQUIPMENT MUST BE SHUTDOWN IF A MANATEE
COMES WITHIN 50 FEET OF OPERATION.**

**ANY COLLISION WITH AND/OR INJURY TO A MANATEE SHALL BE
REPORTED IMMEDIATELY TO THE U.S. FISH AND WILDLIFE
SERVICE IN DAPHNE AT**

251-441-5181