



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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In Reply Refer to:

2008-F-0495-R001

SEP 25 2008

Minas M. Arabatzis, Chief
Planning Division
Philadelphia District
U.S. Army Corps of Engineers
100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

Dear Mr. Arabatzis:

The U.S. Fish and Wildlife Service (Service) received your September 8, 2008 request to re-initiate formal consultation regarding U.S. Army Corps of Engineers, Philadelphia District (Corps) beach nourishment activities within the Cape May Inlet – Lower Township and the Lower Cape May Meadows – Cape May Point project areas, Cape May County, New Jersey and the effects on the federally listed (threatened) piping plover (*Charadrius melodus*) and seabeach amaranth (*Amaranthus pumilus*). A change in the sand source and renourishment methodology for the Cape May Inlet – Lower Township portion of the project area has been selected due to increased dredging costs. This response is provided pursuant to Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA) and serves as an amendment to the Tier 2 Streamlined Biological Opinion (SBO) issued by the Service on July 14, 2008.

CHANGE IN PROJECT METHODOLOGY

The Corps originally planned to acquire sand for the project via off-shore dredging. The Corps now plans to truck sand from an upland quarry for placement on the U.S. Coast Guard Training Center beach within the Cape May Inlet-Lower Township portion of the project area. Sand from the quarry has been used successfully for beach renourishment projects in Avalon, New Jersey. The sand is compatible (*i.e.*, $\geq 90\%$ clean sand fill material) with the existing beach in the project area. Existing access roads within the U.S. Coast Guard Training Center property will be used for construction and no new access paths are anticipated. Mats will be placed on the beach to allow trucks to unload sand directly at the placement site on the beach; therefore, no stockpiling

of sand will be required. Bulldozers or similar equipment will be used on the beach to achieve the design template. Approximately 200,000 cubic yards of sand will be placed in the project area, which is less than the amount of sand originally proposed for this portion of the project area.

CONCLUSION

Actions and effects associated with the renourishment of the Cape May Inlet – Lower Township project area are consistent with those identified and discussed within the Service’s December 2005 Tier 1 Programmatic Biological Opinion (PBO) and 2008 Tier 2 SBO. The Service’s opinion is that the change in sand source and renourishment method for the Cape May Inlet – Lower Township project area is not likely to jeopardize the continued existence of the piping plover or seabeach amaranth. No Critical Habitat has been designated for these species within the project area; therefore, no Critical Habitat will be affected. No additional incidental take of piping plovers is anticipated above that identified in the 2005 Tier 1 PBO and 2008 Tier 2 SBO for this project.

Please contact Stephanie Egger at (609) 383-3938, extension 47, if you have any questions or require further assistance regarding threatened and endangered species.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Eric Davis Jr.", written in a cursive style.

J. Eric Davis Jr.
Supervisor