

DRAFT – West Indian Manatee – DRAFT
Effects Determination Guidance for Endangered & Threatened Species

(EDGES)Bryan, Camden, Chatham, Glynn, Liberty, and McIntosh Counties

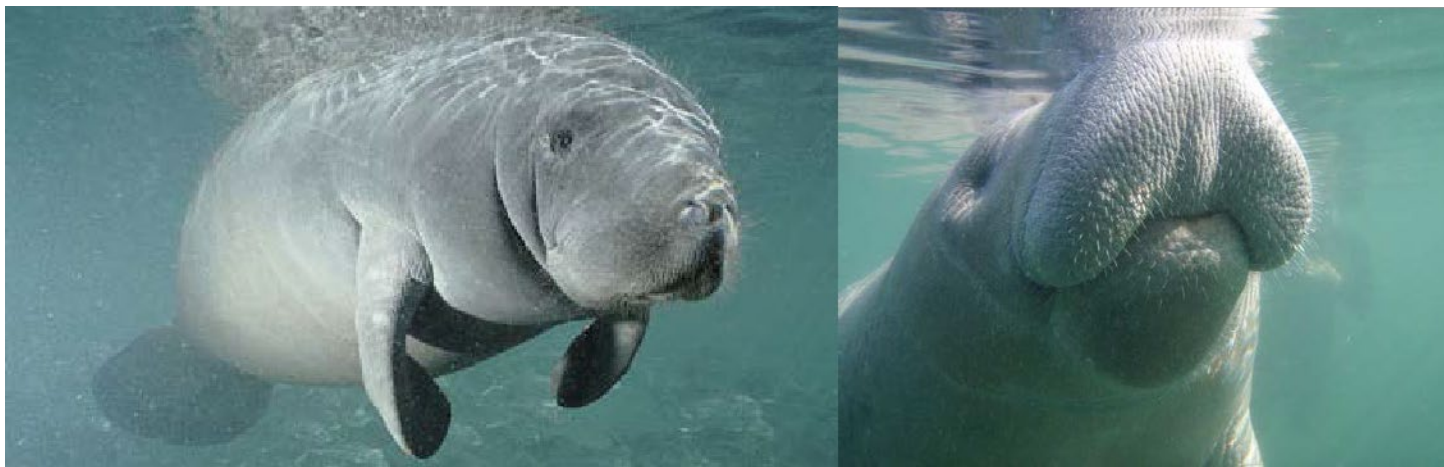
Species Covered by This EDGES:

West Indian manatee (*Trichechus manatus*)

West Indian manatees are found in tropical and subtropical coastal and river waters along the southeast U.S. coast, the Caribbean coast of Central and South America, and locally throughout the West Indies. The Florida manatee subspecies is a year-round resident in Florida. During the warm months, an unknown portion of the Florida manatee population migrates northward into Georgia and the Carolinas, and westward along the Gulf coast into Alabama, Mississippi, and Louisiana -- manatees are most frequently sighted in Georgia waters from April through October in tidal waters of Camden, Glynn and McIntosh counties.



Habitats in Georgia include nearshore ocean waters, tidal creeks, estuaries, and the lower reaches of the St. Mary's, Satilla, Altamaha, Ogeechee, and Savannah Rivers. Manatees are difficult to spot in Coastal Georgia's dark turbid waters. Manatees have been sighted as far north as Massachusetts. During winter, manatees are attracted to warm water refuges in Florida. Natural refuges include warm springs in the central part of the state and subtropical waters in south Florida. Manatees are also attracted to warm water discharges at industrial sites, such as power generating plants and factories. Manatees have been documented at multiple industrial warm water sites north of Florida, including in Georgia. Note: there is no 'Critical Habitat' designated in Georgia for manatees.



This EDGES covers all activities proposed in Georgia tidal waters that are accessible to manatees.

Endangered Species Act Consultation Checklist:

Applicant:

1. IPAC indicates manatees may occur in the project area.
 - a. No..... No effect. Provide IPaC information to the Savannah District with application/PCN.
 - b. Yes..... Go to #2.

2. The project will occur in tidal waters that are accessible to manatees (see map on the following page). Lakes and other water bodies upstream of structures such as dams, weirs, grated culverts, and fish ladders are normally not considered accessible to manatees.
 - a. No..... No effect. Provide this information to the Savannah District with application/PCN
 - b. Yes..... Go to #3.

3. The Fish and Wildlife Service's Georgia Field Office (FWS-GA) provided documentation evaluating habitat, potential presence of species, and/or potential project impacts (FWS-GA signed letter or sticker, T&E survey where FWS-GA provided concurrence with negative findings, or similar documentation).
 - a. No..... Provide completed EDGES Applicant Coordination Slip and supporting documentation to the Savannah District with 404 application/PCN.
 - b. Yes..... Provide FWS-GA project review documentation and/or survey data to the Savannah District with application/PCN.

Savannah District:

1. The project is in tidal waters accessible to manatees (see #2).
 - a. No..... No effect – ESA section 7 consultation complete.
 - b. Yes..... Go to #5.

2. The project will require any of the following activities:
 - o blasting or other detonation activity (e.g., for channel deepening and/or widening, geotechnical surveys or exploration, bridge and structure removals, movies, military shows, or special events, etc.)
 - o modification or construction of warm or fresh water discharges from industrial sites, power plants, water treatment facilities, etc., or natural springs or artesian wells.
 - a. No..... Go to #6.
 - b. Yes..... May affect. Consult with FWS-GA regarding project.

3. Project work involves dock or marina facilities and will follow conditions in the Savannah District/FWS-GA programmatic manatee agreement (page 3).
 - a. No..... Go to #4.
 - b. Yes MA NLAA - 'May affect, not likely to adversely affect' is appropriate and no further consultation with the FWS-GA for the manatee is necessary.

4. The project involves a public water access facility other than a dock or marina facility (e.g. public boat ramp, fishing pier, etc.) and project will be conditioned with Manatee Special Permit Conditions a through m from the PA.
 - a. No Go to #5
 - b. Yes MA NLAA - 'May affect, not likely to adversely affect' is appropriate and no further consultation with the FWS-GA for the manatee is necessary.

5. Project involves in-water construction other than as described above (e.g. bulkhead construction or repair, rip-rap, bridge, dredging, mooring buoys, etc.) and project will be conditioned with Manatee Special Permit Conditions a through k from the PA.
 - a. No Go to #6
 - b. Yes MA NLAA - 'May affect, not likely to adversely affect' is appropriate and no further consultation with the FWS-GA for the manatee is necessary.

6. If the Corps or applicant does not elect to incorporate manatee protection guidelines according to the guidance of this key or the project directly or indirectly affects manatees and is not covered by this key then the appropriate determination is May Affect and consultation with the FWS-GA is required.

Programmatic Agreement
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service Section 7 of the Endangered Species Act
Manatee Consultation Procedures
Dock and Marina Facilities in Coastal Georgia Waters

The U.S. Army Corps of Engineers, Savannah District, and the U.S. Fish and Wildlife Service, Georgia Ecological Services (FWS) agree to the consultation procedures outlined in this Programmatic Agreement (PA), pursuant to Section 7 of the Endangered Species Act, concerning effects on the West Indian Manatee (*Trichechus manatus*) (manatee), from construction, modification, maintenance and use of dock and marina facilities, in Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh and Wayne Counties, Georgia.

CONSULTATION PROCEDURES:

1. The Corps will coordinate permit actions with FWS, as follows:
 - a. **Individual Permits (IP)**: The Corps will include the following statement in joint public notices advertising Department of the Army IP applications for proposed dock and marina facilities, "Any permit that may be issued by the Corps for the proposed project will include the applicable manatee special permit conditions: (1) for single and multi-family private recreational docks, special conditions a thru j; or (2) for private community docks and commercial marinas, special conditions a thru p. The facility types will follow the definitions the Georgia Department of Natural Resources (Georgia DNR) uses in their facility permitting. With inclusion of the applicable special conditions in the permit, and with the requirement for the permittee to implement and adhere to these conditions, the Corps has determined that the project may affect, but is not likely to adversely affect the manatee."
 - b. **Letters of Permission (LOP)**: The Corps will include the following statement in the agency coordination email for all LOP for proposed dock and marina facilities, "Any permit that may be issued by the Corps for the proposed project will include the applicable manatee special permit conditions: (1) for single and multi-family private recreational docks, special conditions a thru j; or (2) for private community docks and commercial marinas, special conditions a thru p. With inclusion of the applicable special conditions the permit, and with the requirement for the permittee to implement and adhere to these conditions, the Corps has determined that the project may affect, but is not likely to adversely affect the manatee."
 - c. **Nationwide Permit 3(a) (NWP 3(a))**: The Corps will include the following statement in agency coordination email for all Pre-Construction Notifications proposing use of NWP 3(a) to repair, rehabilitate or replace a previously authorized, currently serviceable dock or marina facility, "Any verification for use of NWP 3(a) that may be issued by the Corps for the proposed project will include the applicable manatee special permit conditions: (1) for single and multi-family private recreational docks,

special conditions a thru j; or (2) for private community docks and commercial marinas, special conditions a thru p. With inclusion of the applicable special conditions in the NWP 3(a) verification letter, and with the requirement for the permittee to implement and adhere to these conditions, the Corps has determined that the project may affect, but is not likely to adversely affect the manatee."

- d. Programmatic General Permit 83 (PGP 83): PGP 83 authorizes the construction, maintenance and modification of certain private recreational dock facilities in the tidal waters of Georgia. The Corps has delegated authority to the Georgia Department of Natural Resources, Coastal Resources Division (Georgia CRD) to review PGP 83 applications, and verify whether proposed dock facilities comply with the terms and conditions for authorization under the PGP. All dock facilities authorized by PGP 83 must comply with manatee special permit conditions a thru j. With inclusion of these special conditions in PGP 83 verifications issued by Georgia CRD, and with the requirement for the permittee to implement and adhere to these conditions, the Corps has determined that private single family docks authorized by PGP 83 may affect, but are not likely to adversely affect the manatee.
2. FWS: For IP, LOP and NWP 3.a, the FWS will respond in writing (letter or email) to the Corps' public notice or email notification during the specified comment period when there is a project specific issue that would preclude FWS' concurrence with the Corps' may affect but not likely adversely affect determination for the project. The Corps will initiate Section 7 consultation with the FWS for such a project. However, if FWS does not disagree in writing with the Corps' determination within the specified comment period; the FWS is thereby concurring with the Corps' determination for the project. For private recreational dock facilities authorized by PGP 83, the FWS concurs with the Corps' may affect but not likely adversely affect determination.

MANATEE SPECIAL PERMIT CONDITIONS:

1. Single and multi-family private recreational docks, conditions a thru j.
2. Private community docks and commercial marinas, conditions a thru p.
3. Special Permit Conditions:
 - a. The permittee shall ensure that all personnel associated with construction of the authorized dock facility are informed of the civil and criminal penalties for harming, harassing or killing manatees, which are protected under the Endangered Species Act of 1973 (ESA) and the Marine Mammal Protection Act of 1972. The permittee and the permittee's contractor(s) (contractor) will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

- b. The use of siltation barriers in waters of the United States, below the high tide line, is not allowed in association with the construction of the authorized dock facility.
- c. All vessels associated with project construction shall operate at "no wake/idle" speeds at all times while in the project area. All vessels will follow routes of deep water when entering or exiting the project area, and while operating in the project area, whenever possible. For the purposes of compliance with manatee conditions, the project area is defined as all areas of shoreline, marsh and open waters within 100 feet of the outermost perimeter of the authorized dock facility.
- d. All contractors and other on-site personnel are responsible for observing for the presence of manatees in or near the project area. All in-water construction activities shall cease upon sighting of a manatee within 50 feet of any ongoing work in the marsh or open waters. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Extreme care shall be taken when lowering equipment and materials below the water surface and/or to the water bottom. Equipment and materials include, but are not limited to: piles; sheet piles; casings for drilled shaft construction; spuds; pile templates; and anchors. All such equipment/material shall be lowered as slow as possible, to avoid injury to any manatee that may have entered the project area undetected.
- f. In the event of injury to or mortality of a manatee in the project area, the permittee or contractor shall immediately notify the Georgia Department of Natural Resources (Georgia DNR) at 912-264-7218 or 1-800-272-8363 on weekdays between 8:00 a.m. to 4:30 p.m., or 1-800-241-4113 on nights and weekends. Within one hour of a manatee injury or mortality the permittee or contractor shall notify the Corps at 1-800-448-2402 and the US Fish and Wildlife Service, Georgia Ecological Services Field Office at 912-832-8739. Any dead manatee found in the project area shall be secured to a stable object to prevent the carcass from moving with the current. In the event of a manatee injury or mortality, all open water construction activity shall cease pending completion of consultation between the Corps and the FWS, pursuant to Section 7 of the ESA.
- g. The permittee shall ensure that the contractor keeps a log of sightings, collisions or injury to manatees that occur during construction of the dock facility.
- h. Within 30 days of project completion, the permittee shall submit a report summarizing manatee sightings or incidents that occurred during project construction, to the FWS, Ecological Services Field Office, Coastal Georgia Sub-Office, 4980 Wildlife Drive NE, Townsend, Georgia 31331. Submission of a

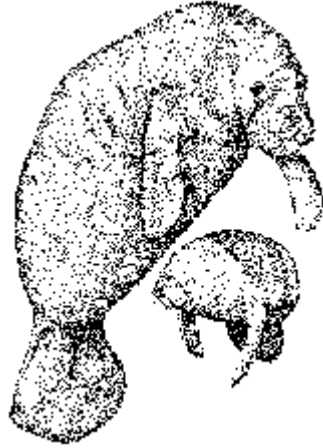
negative report is not required.

- i. All temporary or unused construction materials shall be removed from the project area upon completion of the work, and any impacted area of salt marsh shall be restored. No construction debris or trash is to be discarded in project area.
- j. The permittee shall regularly inspect and maintain all hoses, faucets, and other potential sources of freshwater, to ensure that any freshwater leak is stopped and immediately repaired. Manatees are attracted to freshwater leaking from dock facilities, where boats are concentrated and there is an increased risk for manatee collisions.
- k. Prior to initiating authorized construction activities, the permittee shall contact Georgia DNR at 912-264-7218 for assistance with development of temporary manatee awareness sign plan for the project area. The plan will include the types and number of signs; and locations where signs will be installed to be prominently visible to contractors entering the project area from uplands and from the water. The permittee shall install temporary manatee awareness signs in accordance with the Georgia DNR approved plan. See attached Appendix A for information about the size and appearance of temporary manatee awareness signs. Within 30 days of project completion, the permittee shall remove all temporary manatee signs.
- l. Once construction activities are completed, and prior to use of the facility, the permittee shall contact Georgia DNR at 912-264-7218 for assistance with development of permanent manatee awareness sign plan. The plan will include the types and number of signs; and locations where signs will be installed to be prominently visible to all facility users entering the project area from uplands and from the water. The permittee shall install permanent manatee awareness signs in accordance with the Georgia DNR approved plan. See attached Appendix A for information about the size and appearance of permanent manatee awareness signs.
- m. Within 30 days of installation, the permittee shall submit a notarized letter to the Corps confirming that required permanent manatee signs have been installed in compliance with the Georgia DNR approved plan. The permittee shall maintain all permanent manatee signs in a clearly visible condition for the life of the facility.
- n. The permittee shall utilize the Georgia DNR video, "Georgia Wildlife - Sharing the Coast - Manatee" as a manatee education awareness program; available at www.youtube.com/watch?v=whD8KX4P8NA. This video program focuses on educating boaters on manatee biology, how watercraft can adversely affect the manatee, and detail actions that boaters can take to avoid impacts to the manatee. The permittee shall insure that all boat operators view this video before using the permitted facility. The permittee shall continue a manatee education awareness program for the life of the facility. The permittee may develop and use a comparable manatee education awareness program upon approval by the Corps, FWS, and

Georgia DNR.

- o. After project completion, the permittee shall identify the individual, facility operator or homeowner's association representative to be responsible for reporting manatee sightings, boat strikes or other manatee concerns to the FWS and Georgia DNR.
- p. For facilities with oil/gas pumps and/or sewage pump-out equipment, the permittee shall develop and maintain spill contingency plans in accordance with the requirements of the Georgia DNR, Coastal Resources Division.

**PRIVATE COMMUNITY DOCK AND COMMERCIAL MARINAS
MANATEE SIGNS
PLACEMENT PROCEDURES**



The West Indian manatee (*Trichechus manatus*) is an endangered species protected at the Federal level by the Endangered Species Act of 1973, as amended and the Marine Mammal Protection Act of 1972, as amended. In Georgia they inhabit coastal estuaries and rivers primarily from March through November. Increasing coastal development and associated watercraft facilities are expected to increase boat traffic and the probability of collisions between manatees and watercraft. Raising boater awareness of this threat and educating the public about manatees in general are important components of manatee conservation within Georgia waters. Signage has and will continue to play a key role in informing the boating community and general public about the species and how best to protect it from adverse impacts .

Manatee signage may be temporary or permanent. Temporary signs are most often associated with the construction phase of in-water structures and facilities. They are intended to remind those involved with the construction of the potential presence of manatees within the project area. Although the project permit usually mandates their use, they are informative and non-regulatory in nature. Two examples of such signage are included in this Appendix under the “Temporary Construction Sign” section. Permanent signs are intended to provide long-term boater awareness and public education about manatees in Georgia waters. Examples of permanent signage include, "Manatee Basics for Boaters" and waterway display sign, “Protect Georgia’s Manatees”, and are included in this Appendix under the “Permanent Signs” section. Both “Manatee Basics for Boaters” and “Protect Georgia’s Manatees” permanent signs are required for all private community docks and commercial marinas. Private single or dual family docks are not required to have manatee signs.

Procedure for Approval of Sign Installation:

1. The applicant should forward a project site plan, including the proposed location for the permanent signs to: Manatee Sign Approval, Nongame Conservation Section, Department of Natural Resources, One Conservation Way, Brunswick, GA 31520. The applicant should also

include a chart indicating the location of the facility in relation to waterways, location within a given county (specify county name), Contact person with phone number, and the Permit and/or Lease number associated with the project

2. The Nongame Conservation Section of the Georgia Department of Natural Resources (GDNR) will review the proposed sign placement site plan and will respond to the applicant within 30 days. If the proposed location is unacceptable, guidance on an alternate site will be provided. The contact person should notify the Nongame Conservation Section when sign placement has been completed (912-264-7218). A photograph(s) of the posted manatee signage at your facility must be submitted with the required permit compliance form to the Marsh and Shore Regulatory Program of the Coastal Resources Division/GA Department of Natural Resources.

3. If during a site visit, approved signs and their locations are found not to be in compliance with the instructions given in this document, relocation or addition of signs will be required. Annual site visits will be conducted to document sign placement and condition. All signs locations will be recorded in the GDNR manatee database.

Approved Suppliers of Manatee Signs: Signs are available through the companies listed below and may also be available from other local suppliers throughout the state. Permit/lease holders, marinas, and boat docking/launching facilities should contact sign companies directly to obtain pricing information and arrange for shipping and billing.

Grafix, Inc.
455 Montgomery Street
P.O. Box 1028
Savannah, GA 31402
912-691-1117

Image Sign Company
785 King George Blvd., Bldg. 3
Savannah, GA 31419
912-961-1444

Doug Bean Signs, Inc.
160 Dean Forest Rd
Savannah, GA 31408
912-964-1900

Fendig Signs
411 Arnold Rd
St. Simons Island, GA 31522

Good & Associates
St. Simons Island, GA
(912) 638-7664

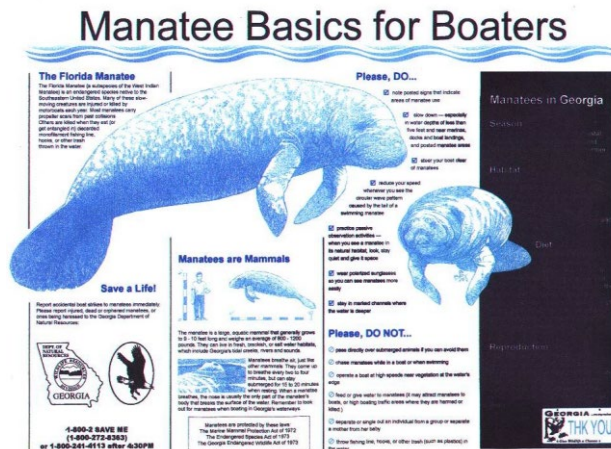
Temporary Construction Signs



Permanent Signs



“Protect Georgia’s Manatees” sign – At least one sign will be required to face the waterway for each facility. This is dependent upon the size of the facility and the number of docks/piers present. The number and placement of signs will be determined on a site-by-site basis by GDNR biologists. Each approach to the marina from the waterway to the facility will need a visible sign. This sign is intended to alert any passing boater that may or may not be associated with the facility that manatees may be present and again raise awareness of this endangered species.



“Manatee Basics for Boater” sign – One sign is required for each entry point to any dock /pier space. It should be placed where anyone boarding or launching a boat will easily see the sign. This sign is intended to provide detailed information about manatees, how to avoid negative impacts to manatees, and to raise awareness of their presence in Georgia to any person using the facility. Sign placement approval by the Nongame Conservation Section is required.