United States Department of the Interior

FISH AND WILDLIFE SERVICE
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October 10, 2023

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: Current project: FWS Ecosphere No: 2024-0002277 Formal; and Programmatic Statewide BO (SPBO) 2023-0001977, revised March 13, 2015;
Dredging project, Spring 2022: FWS Ecosphere No. 2022-0007586 Formal; and SPBO 2023-0001977 formerly 41910-2011-F-0170, revised March 13, 2015.
Date consult initiated: August 9, 2023.
Project Title: Lower Pensacola Navigation Channel Dredge and Sand Placement.
Location: Gulf Islands National Seashore, Perdido Key, Pensacola, Florida
County: Escambia County, Florida

Dear Ms. Jacobson:

The Fish and Wildlife Service (Service) received a request for consultation via electronic mail dated October 3, 2023, from Matt Lang of your staff. The U.S. Army Corps of Engineers (USACE), Mobile District, proposes operation and maintenance (O&M) dredging of the federally authorized Lower Pensacola navigation channel in Escambia County, Florida (Figure 1). The USACE, in coordination with the Gulf Islands National Seashore- National Park Service (GUIS-NPS) staff, propose sand placement from channel withdrawals to occur west of Pensacola Pass (also called Harbor) within an approximate 3.5 mile section of Perdido Key barrier island located within the GUIS-NPS land.

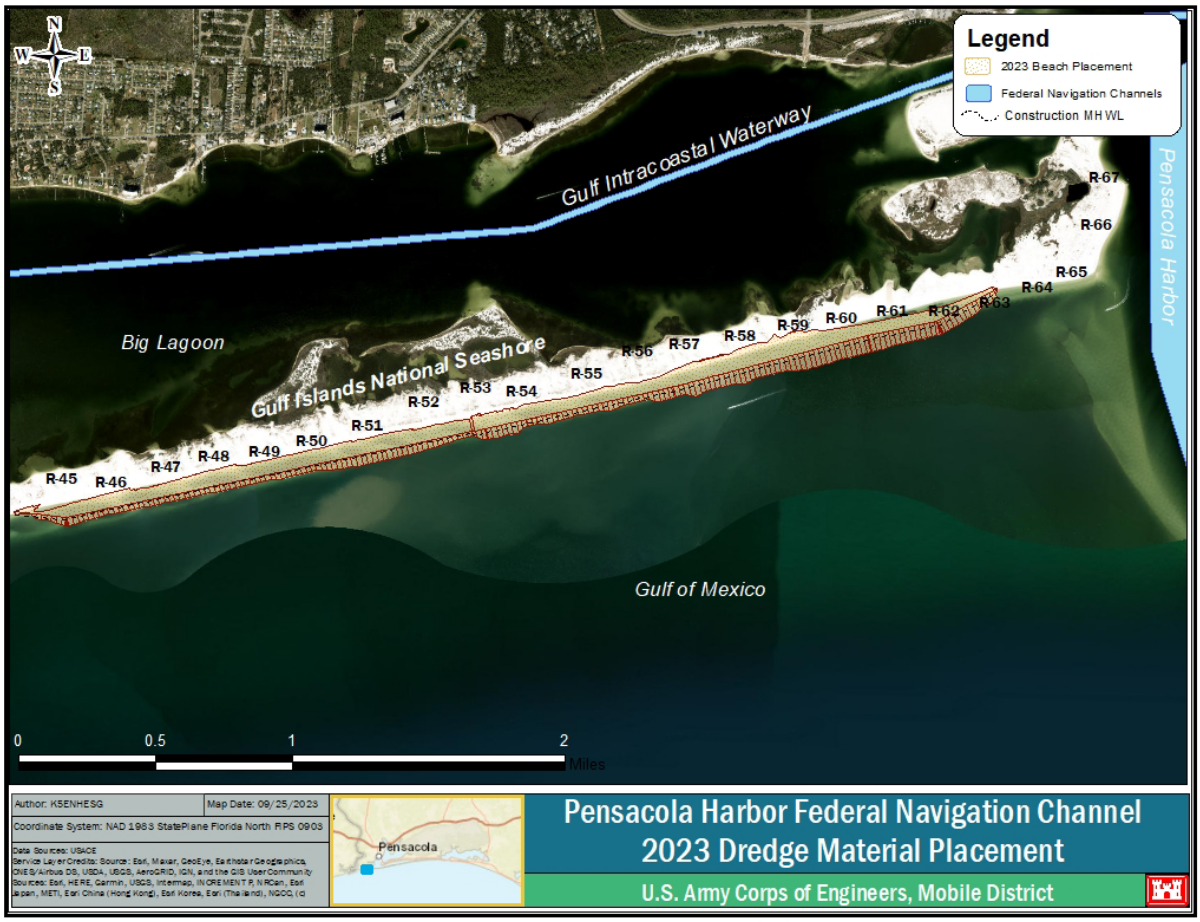

Figure 1. The Pensacola Navigation Channel operation and maintenance dredging and adjacent sediment placement Project Area within Perdido Key barrier island on NPS lands, Escambia County, Florida proposed for October 2023.

The USACE is authorized to dredge the channel to maintain a bottom width of 500 feet at a depth of -39 feet Mean Low Low Water (MLLW). The maximum allowed dredge depth includes a design depth of -35 feet MLLW, plus 2 feet of advanced maintenance and 2 feet of allowable overdepth. Between March-April 2022, the USACE placed approximately 160,000 cubic yards of sand 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 (Figure 2). The highest point was placed mid-beach at 6 feet with a gradual slope decline to -12 feet below the Gulf of Mexico intertidal zone. The USACE consultation for the spring 2022 dredging and sand placement is logged with FWS Ecosphere No. 2022-0007586 Formal; and SPBO 2023-0001977 formerly 41910-2011-F-0170, revised March 13, 2015.

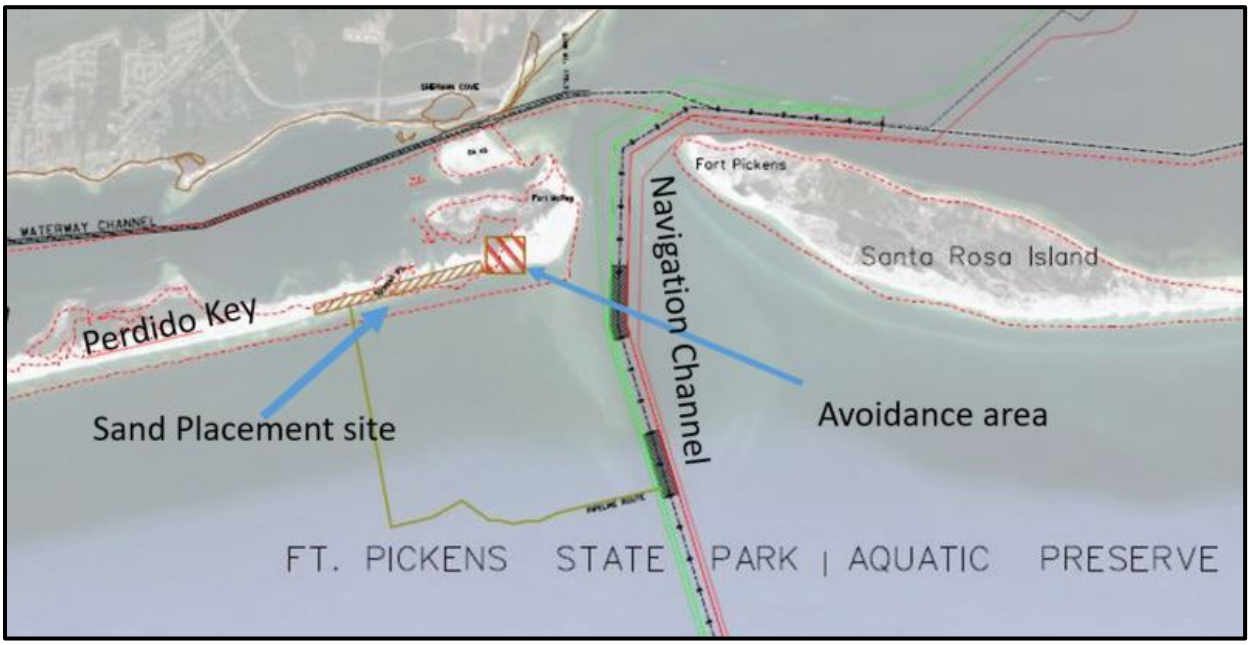

Figure 2. The Pensacola Navigation Channel operation and maintenance dredging and adjacent sediment placement Project Area within Perdido Key barrier island on NPS lands, Escambia County, Florida (Spring 2022).

The USACE plans for an additional 1.7 million cubic yards of maintenance dredge material from the navigation channel to be placed on Perdido Key in mid- to late- October 2023 and take up to three months. Sandy beach compatible material will be placed largely between Florida Department of Environmental Protection reference survey monuments R44 to R63 (Figure 2). Placement between R53 to R63 monuments will be seaward between the +6-foot NADV88 contour down to the -12-Foot NADV88 contour. Placement between R44 and R53 will be seaward between the +3-foot NADV88 contour down to the -12-foot NADV88 contour.

The USACE 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 USACE 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 USACE, 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 USACE, via their October 3, 2023, letter, commit to following the requirements within the Florida Statewide Programmatic Biological Opinion (SPBO) signed in 2015 for nesting sea turtles and manatees. The USACE and NPS staff are responsible for the required post project monitoring actions.

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 USACE 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 USACE determination of may affect, not likely to adversely affect during this proposed action.

The last decade has seen a sharp decline in piping plover use of areas in northwest Florida counties including within GUIS-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, nearby bayside and the Gulf of Mexico (Gulf) shoreline by at least 1-3 piping plovers during the nonbreeding seasons. Currently, extreme escarpment formations occur within the project area with the exception of six (6) scalloped areas that provide ideal, gradual transitional intertidal foraging habitat for shorebirds along the Gulf shoreline (Figure 3). The USACE and NPS staff commit to placing sand on the seaward side of the MLLW line when adjacent these six (6) areas (Figure 3). We expect that exclusion of these areas, with bayside and inlet habitat, to provide sufficient protection of the invertebrate food base used by piping plovers and other shorebird species. The protected areas will expedite recolonization of the areas impacted by sand placement, generally expected to recover within six (6) to twelve (12) months.

Figure 3. The yellow polygons indicate the six sand exclusion areas as they provide optimal foraging habitat for piping plovers and other shorebirds.

With the committed conservation measures of protecting the optimal foraging areas within the sand placement action area, we concur with the USACE determination of may affect, not likely to adversely affect for piping plovers. Any loss of invertebrates within the remaining, less optimal, Gulf of Mexico intertidal shoreline by sand placement 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 by piping plovers or red knots.

In coordination with the USACE, the Service updated the SPBO in 2015. Per their December 2021 letter, the USACE has agreed to project requirements as authorized under **FWS Log No. Programmatic Statewide BO (SPBO) 2023-0001977, 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 **2024-0002277- 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 USACE 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 for this project but also for the April 2022 project. We have agreed to a reduced number of transects for both projects to keep in line with the research project and to reduce costs to the extent possible. NPS has hired the Corps and USGS staff to collect the compaction data. Transects will be approximately 0.5 km (1640 ft) apart versus the SPBO requirement of every 500 feet. Post-placement compaction readings will also be collected up to 3 years as long as sediments remain within the Project Area. 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. False crawls associated with sea turtles attempting to nest after the 2022 sand placement event within the project area demonstrated an increase in false crawls (3 false crawls per nest) compared to the average throughout the GUIS-Perdido Key shoreline (1.6 false crawls per nest). In 2023, the numbers decreased in both areas from 1.5 false crawls per nest within the project area compared to 0.45 false crawls to every nest within the GUIS-Perdido Key shoreline. GUIS-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. Monitoring the compaction levels pre- and post- for 3 years, twice annually, is expected to inform how sand compactions may or may not inhibit nesting attempts by sea turtles.

FWC shall provide the USACE and NPS personnel protective actions intended to reduce the likelihood of impacts to nesting shorebirds during project implementation should the project

continue into the shorebird nesting season. These guidelines, if followed, find the USACE 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 USACE, NPS and USGS 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 Digitally signed by Catrina Martin
Date: 2023.10.11 11:50:08 -05'00'

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

cc: (all electronic)
NPS, Bruce Leutscher, Mark Van Mouwerik, Ashley Warren
USGS, Meg Lamont, Samantha Snow (contractor)
FWC, fwcconservationplanningservices@myfwc.com