



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Florida Ecological Services Field Office



In Reply Refer To:

May 8, 2024

2024-0011701 FL TIG RP 2 Reducing Threats to Sea Turtles

Memorandum

To: Compliance Supervisor, Gulf Restoration Office, Fairhope, AL

From: Division Supervisor, Environmental Review, Florida Ecological Services, Region 4, USFWS

Subject: Informal consultation for the proposed project “Reducing Threats to Sea Turtles through Removal of In-water Marine Debris Along Florida’s Gulf Coast” activities within the nearshore waters of all Florida Gulf Coast counties (Escambia through Monroe).

This memorandum acknowledges USFWS’s receipt of Gulf Restoration Office’s request for consultation letter on May 8, 2024. This response is in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). We have reviewed your proposed project and concur with your May 8, 2024, determinations for endangered and threatened species. We based our concurrence on the justification below. Where more than one justification was applicable, multiple boxes are checked and additional comments are added.

- Species-specific surveys were conducted and there are no endangered, threatened, or at-risk species or designated critical habitat on site.
- Endangered, threatened, and at-risk species are not known to be present and are not expected to occur within the vicinity of the proposed project.
- Appropriate conservation measures have been included within the project description to ensure that any effects to listed species are insignificant or discountable.

Applicant has agreed to the following:

- To conduct unmanned aircraft systems operations in adherence to the protocol described within the *FWC Small Unmanned Aircraft Systems (sUAS) Use and Safety Manual, Revised August 2, 2023*, and *Conservation Measures for Marine Debris Project (Florida), Revised April 26, 2024*, documents.
- Species-specific conservation measures will be adhered to as described in the *Conservation Measures for Marine Debris Project (Florida), Revised April 26, 2024*, document.
- Require a trained species observer for in-water construction activities to avoid impacts to West Indian manatees.
- Keep construction noise low (in air and in water) to the greatest extent possible.
- Instruct all personnel associated with the construction and operational phases of the project in the potential presence of West Indian manatees in the water. Furthermore, advise construction site personnel associated with operating the ferry of the civil and

criminal penalties for harming, harassing, or killing species that are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

- Maintain spill response kits on board during construction.
 - Should a West Indian manatee come within 50 feet of the construction area or barrier, activities will cease until the animal has departed on its own volition beyond the 50-foot radius of the project operation.
 - In the event of a collision with an ESA-listed species, the on-site construction manager or ferry operations manager would immediately notify the FWC.
 - Temporary signs (FWC-approved) concerning West Indian manatees will be posted before and during in-water project construction activities.
 - Vessels involved in marine debris removal will comply with all no-wake zones during project implementation including transporting to removal sites.
 - To conduct activities in accordance with *Standard Manatee Conditions for In-Water Work* (FWC 2013), which include but are not limited to, the following:
 - Use siltation barriers made of material that will not entrap or entangle ESA-listed species and will not impede their movement.
 - Barriers will be properly secured and routinely monitored to ensure ESA-listed species are not entangled.
 - Water vessels associated with construction will operate at no-wake or idle speeds at all times in the action area and in water depths where the draft of the vessel provides less than a four-foot clearance from the sediment.
 - Restrict in-water proposed actions to the winter months, as possible, when West Indian manatees are least likely to be in the project vicinity.
- Appropriate avoidance and minimization measures have been included within the project description to ensure primary constituent element(s) (PCE[s]) and/or critical habitat will not be adversely modified or destroyed.
- The proposed project is completely beneficial to the listed or at-risk species and/or critical habitat considered.

As provided in 50 CFR 402.16, consultation must be reinitiated if (1) take occurs, or (2) new information reveals effects of the action not previously considered, or (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or (4) if a new species is listed or critical habitat designated that may be affected by the action.

If you have any questions regarding this project, please contact Laura Wright, Fish and Wildlife Biologist, at laura_wright@fws.gov or (352) 448-9151.

Literature Cited

FWC. 2013. *Standard Manatee Conditions for In-water Work*, 2011. State of Florida, Florida Fish and Wildlife Conservation Commission (FWC), Tallahassee, FL.