



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Florida Ecological Services Office



November 16, 2023

Michelle Gilbert
Chief, Fort Myers Permits Section
U.S. Army Corps of Engineers
1520 Royal Palm Square Blvd, Suite 310
Fort Myers, FL 33919

Service Consultation Code: 2023-0038749
Project: Lovers Key and Bonita Beach
Nourishment
Applicant: U.S. Army Corps of Engineers
County: Lee

Dear Ms. Gilbert:

This document transmits the U.S. Fish and Wildlife Service's (Service) decision document to the U.S. Army Corps of Engineers (Corps) for the upcoming sand placement event for the Lover's Key and Bonita Beach. The Corps determined that the Project "may affect, and is likely to adversely affect" the endangered green sea turtle (*Chelonia mydas*), the endangered Kemp's Ridley sea turtle (*Lepidochelys kempii*), the endangered hawksbill sea turtle (*Eretmochelys imbricata*), the endangered leatherback sea turtle (*Dermochelys coriacea*) and the threatened loggerhead sea turtle (*Caretta caretta*). For the purposes of this document, the five identified sea turtles will be referred to collectively as sea turtles. The Corps determined the proposed project "may affect but is not likely to adversely affect" the endangered Aboriginal prickly apple (*Harrisia aboriginum*), the threatened West Indian (Florida) manatee (*Trichechus manatus latirostris*), the threatened piping plover (*Charadrius melodus*) and the threatened Rufus red knot (*Calidris canutus rufa*). This document is provided in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 et seq.).

The Service, and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) share Federal jurisdiction for sea turtles under the Act. The Service has responsibility for sea turtles on the nesting beach and the NOAA Fisheries has jurisdiction for sea turtles in the marine environment. Our analysis in this document will only address activities that may affect nesting sea turtles, nests, eggs, and hatchlings as they emerge from the nest and crawl to the sea. Please note the provisions of this consultation do not apply to sea turtles in the marine environment, such as swimming juvenile and adult sea turtles in the marine environment. If applicable, you are required to consult with NOAA Fisheries on the project.

This analysis is based on information provided in the Corps' March 17, 2023 consultation letter. Previous consultation with the Service was conducted through Biological Opinion 2012-CPA-0204, dated March 8, 2013.

Project Description

The periodic beach nourishment (Florida Department of Environmental Protection reference monuments 500 feet north of R-215 to R-221 on Lovers Key and R-226 and R-230 on Little Hickory Island aka Bonita Beach) would occur on an average interval of 8-10 years or on an as-needed basis in response to storm events. Beach nourishment includes building out the existing dune system and additional 20ft at the current dune elevation and the existing berm at an additional 20ft seaward at 13ft NAVD88. The sand source for nourishment will be a new Offshore Borrow Area on Outer Continental Shelf, Ebb Shoal Borrow Areas, and upland sand quarries for future hot-spot maintenance and post-storm recovery. Additionally, a one-time placement of sand between R-230 and R-230 of 70,000 cubic yards (cy) to offset impacts from Hurricane Ian. Initial construction is anticipated to require approximately 950,000 cy of sand and future planned maintenance cycles are estimated to require approximately 2,004,000 cy of sand.

Minimization measures and exceptions

The Applicant will follow and implement the Conservation Measures, Reasonable and Prudent Measures (RPMs), and the Terms and Conditions for sea turtles, piping plovers and red knots as identified in the revised Statewide Programmatic Biological Opinion (2015-SPBO; Service 2015) and the Conservation Measures of the Programmatic Piping Plover Biological Opinion (P3BO; Service 2013) that apply to the Project. The Standard Manatee Conditions for In-Water Work must be adhered to.

THREATENED AND ENDANGERED SPECIES

It is appropriate to apply the 2015-SPBO, P3BO and Standard Manatee In-Water Conditions to the Project. Based on the Corps commitment to implement the Conservation Measures, RPMs, and the Terms and Conditions identified in the 2015-SPBO, P3BO and in the previous consultation (FWS Log No. 04EF1000-2016-E-00081) that apply to the Project, the Project's take coverage for listed sea turtles, is henceforth covered under the 2015-SPBO and P3BO. Additionally, the Service concurs with the effects determination of "may affect, not likely to adversely effect" for the Aboriginal prickly apple.

REINITIATION NOTICE

This concludes consultation on the action outlined in the request. As provided in 50 CFR §402.16, reinitiation of formal consultation 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 outlined in the 2015-SPBO is exceeded. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.
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 analysis.

3. The agency action is subsequently modified in a manner that causes an effect to a listed species or critical habitat not considered in this analysis; or
4. A new species is listed, or critical habitat designated that may be affected by the action.

Thank you for your cooperation in the effort to conserve fish and wildlife resources. Should you have additional questions or require clarification regarding this letter, please contact, please contact Brendan Myers by e-mail at brendan_myers@fws.gov or by calling (904) 402-2456.

Sincerely,

Christopher Putnam
Supervisor, Division of Environmental Review
Florida Ecological Services Office, Vero Beach