

South Atlantic Regional Biological Assessment

Status of Reinitiation of Consultation under Section 7 of the Endangered Species Act

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Joint Consultation

US Army Corps of Engineers, SAD (Lead Agency)
and the Minerals Management Service



History of Consultation - SARBO USACE

- **1991** – 1st regional Biological Opinion for hopper, clamshell, and pipeline dredges
- **1995** – included beach nourishment, window expansion, draghead deflector requirements, etc.
- **1997** – 2 opinions – increase of loggerhead take due to high mortality year – covers hopper, keeps 1991 determination on clamshell and pipeline dredges
- **Jan 2007** - Completion of Gulf Regional Biological Opinion



History of Consultation - SARBO

MMS

- **OCS borrow areas** – typically identified during feasibility phase in advance of MMS application.
 - Result – MMS consultation with NMFS occurs after issuance of BO – seek concurrence.
- **South Atlantic NMFS Section 7 consultations:**
 - **1995** – Duval County and Myrtle Beach Storm SPP's
 - 1993 USACE BA's – NMFS concurrence (Re-initiated under 1995 SARBO)
 - MMS received informal concurrence from NMFS for Duval county, Myrtle Beach, and seven additional projects to use ITS of 1995/1997 SARBO's



Why is MMS a co-consulter?

- **Joint consultation** - Removes potential for delays in project approvals and also raises the potential for RPM's or ITS's to differ for the same project (i.e., MMS receives a different set then USACE).
- Separate consultation requests over time may also identify new information that requires reinitiation of all other existing opinions.
- Increased **efficiency** and **effectiveness** for action agencies permitting the same or part of the same action.
- May reduce workload and turn around time of NMFS
- **MMS** - Continued efforts to ensure Section 7 compliance with an interest in regional consultations.



Why is MMS a co-consulter?

- MMS's portion of the action does not increase risk of impact.
- MMS and USACE - already working in partnership on consultations for other issues elsewhere in the county.
- Increasing demand for OCS sand - Efficiencies of scale.
- Existing HQ USACE / HQ MMS MOA (1999): Promote environmental information sharing and foster better inter-agency communication
- Minimize the time it takes to process a request for OCS sand



ESA Reinitiation Triggers

- ☑ • Action is modified in a manner causing effects to listed species or critical habitat not previously considered
- ☑ • New species listed or new critical habitat designated
 - Amount or extent of incidental take is exceeded
- ☑ • New information reveals effects of the action that may affect listed species or critical habitat in a manner/to an extent not previously considered



Reinitiation of Consultation

Timeline

- **Jan 2007** – Informal reinitiation via conference call between USACE and NMFS-PRD-SERO
- **April 30, 2007** – Formal reinitiation letter from SAD to NMFS
- **May 2007** – Scoping meeting in St. Pete, FL – (NMFS staff and biologists from CW and RD programs of SAD, SAJ, SAW, SAC and SAS)
- **January 2008** - MMS coordination initiated (i.e. joint consultation).
- **September 12, 2008** – SARBA released to NMFS



Actions Covered by New SARBO

- **Federal, Federally-permitted, or Federally sponsored**
 - **Dredging** of the *coastal waters, navigation channels, and sand mining areas* along the South Atlantic Coast (including federal sand under MMS jurisdiction).
 - **Sand placement** within previously approved templates (except in Acropora habitat (S. Florida – Palm Beach – Monroe Counties))
- **Dredge types** – hopper; cutterhead; clamshell; bed-leveling; side-casting
 - Add Canaveral Harbor dredging with hopper dredge
- **Transport activities** – Hopper; scow-barge; tugboats



Actions NOT covered by new SARBO

- **Sand placement within habitat of coral species** (Martin/Palm Beach County line south through Monroe county, Florida; USVI or PR).
- **Port Expansion** (deepening, widening, etc.)
- Separate opinion will be required for these activities



Listed species/actions NOT covered by 1997 SARBO



Geographic areas NOT covered by 1997 SARBO



Next Steps

- First draft completed and circulated (SAD and MMS) for review and comment.
- **12 September 2008** – Draft submitted to NMFS.
- Continued extensive coordination (USACE, MMS, and NMFS) upon receipt of Draft SARBO.
- Provide detailed review and comment of Draft SARBO.
- Receive Final NMFS SARBO (no surprises!).
- Develop USACE SAD protocol for management of incidental take.

***Anticipate:**

- (1) Separation of RD and CW take.
- (2) Additional MMS take to be authorized and managed by the Corps (lead agency) on behalf of MMS.



Thank You

Questions???

