

APPENDIX B
BIOLOGICAL ASSESSMENT

National Park Service
Gulf Islands National Seashore

Waterfowl Hunting Management Plan
Biological Assessment

August 4, 2011

**Prepared for the U.S. Department of the Interior, National Park Service,
Gulf Islands National Seashore**

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Responsible Agencies:

Florida Fish and Wildlife Conservation Commission

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Appendix A Agency Correspondence

ACRONYMS

BA	Biological Assessment
CFR	Code of Federal Regulations
COSEE	Center for Ocean Sciences Education Excellence
EFH	Essential Fish Habitat
ERC	Florida Environmental Regulation Commission
ESA	Endangered Species Act
FDEP	Florida Department of Environmental Protection
FWC	Florida Fish and Wildlife Conservation Commission
GA	General Agreement
GMP	General Management Plan
GUIS	Gulf Islands National Seashore
HIP	Harvest Information Program
MBTA	Migratory Bird Treaty Act
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NOAA Fisheries	National Oceanic and Atmospheric Administration, National Marine Fisheries Service
NPS	National Park Service
OFW	Outstanding Florida Waters
USC	United States Code
USFWS	U.S. Fish and Wildlife Services
WHMP	Waterfowl Hunting Management Plan

1. INTRODUCTION

This Biological Assessment (BA) has been prepared in accordance with legal requirements set forth under Section 7 of the Endangered Species Act (ESA) [16 United States Code (U.S.C.) 1536 (c)], the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and ESA guidance contained in the Endangered Species Consultation Handbook (United States Fish and Wildlife Service and National Marine Fisheries Service, 1998). Section 7 of the ESA requires consultation with the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) to determine whether Federal actions will affect threatened or endangered species, and to ensure that any action will not jeopardize the continued existence of any threatened or endangered species or proposed listed species. Candidate species and species of concern are not protected under the ESA, but concerns about their status indicate that they may warrant listing in the future. Due to their listing status, species of concern are not considered in this BA.

PURPOSE

GUIIS proposes to implement a Waterfowl Hunting Management Plan (WHMP) that provides long-term management for waterfowl hunting within GUIIS. This BA has been prepared to facilitate the Federal informal consultation process by providing USFWS and NOAA Fisheries with the best available information regarding project-related effects to federally listed or proposed listed species.

The purpose of the BA is to:

1. Evaluate the potential effects of the action on federally listed and proposed species and designated and proposed critical habitat.
2. Determine whether any such species or habitat is likely to be adversely affected by the action.
3. Determine whether formal consultation or a conference with USFWS or NOAA Fisheries is necessary (50 Code of Federal Regulations [CFR] 402).

CONSULTATION TO DATE

Official lists of threatened or endangered species, and proposed species for listing as threatened or endangered, that may potentially occur in the GUIIS were retrieved online (USFWS, 2011a; NOAA Fisheries, 2011a). Additional correspondence and consultation related to the proposed WHMP included the following:

February 4, 2011: GUIIS submitted letters to USFWS and Florida Fish and Wildlife Conservation Commission (FWC) which briefly described the proposed project and announced kick-off meetings for February 9 and 10, 2011.

February 9, 2011: GUIIS conducted a kick-off meeting that was attended by Mr. Joe Benedict of FWC.

February 10, 2011: GUIIS conducted a kick-off meeting that was attended by Ms. Patty Kelly of USFWS and Mr. Joe Benedict of FWC. GUIIS initiated informal discussion with USFWS regarding compliance issues for the proposed project.

June 10, 2011: On behalf of GUIIS, AMEC E&I, Inc. (AMEC) submitted email correspondence to Ms. Patty Kelly of USFWS and Ms. Calusa Horn of NOAA Fisheries requesting official species lists and comments.

June 13, 2011: AMEC received email correspondence from Ms. Calusa Horn of NOAA Fisheries in which Ms. Horn provided a web link to official species lists and referred AMEC to Ms. Teletha Mincey for all future correspondence. AMEC forwarded the email response to Ms. Mincey.

July 11, 2011: AMEC received correspondence from USFWS acknowledging receipt of AMEC's email dated July 10, 2011. USFWS provided a table of threatened, endangered, and other special status species that are likely to occur in Escambia County, Florida.

Documentation of correspondence with USFWS, NOAA Fisheries, and the FWC is located in Appendix A.

PROJECT LOCATION

Gulf Islands National Seashore (GUIIS) is located in Florida and Mississippi, and was established as a National Seashore in 1971. The proposed project area encompasses two current hunting areas in the Florida District of GUIIS, the Perdido Key Hunting Area and the Santa Rosa Hunting Area. Santa Rosa Island and Perdido Key are long, narrow barrier islands located south of the City of Pensacola, Pensacola Bay, and the Intracoastal Waterway in Escambia County, Florida. The two hunting areas include approximately 6,500 acres within Big Lagoon north of Perdido Key and in Santa Rosa Sound north of Santa Rosa Island (Figure 1). Access to the hunting areas is allowed by boat from the water up to the mean high water tide line on the northern shores.

In addition to the open waters of the project area (Big Lagoon north of Perdido Key and Santa Rosa Sound north of Santa Rosa Island), the project area also includes the shoreline hunting areas which are defined as being at or below the ordinary high tide line; however, hunters are not allowed to hunt from land/shore. Areas currently excluded from waterfowl hunting include: 150 yards east and west of the Opal Beach picnic area on the sound side of the Santa Rosa Hunting Area; ½ mile east of the terminus of Johnson Beach Road and visitor facilities at the Perdido Key Hunting Area; and areas designated as critical habitat by USFWS for the protection of the federally endangered piping plover.

ACTION AREA

The action area includes all areas in which listed species would be directly and/or indirectly affected by the proposed action, as described under Section 2. Listed species that may be affected by the proposed action are species that do not have migration patterns or that have very limited movement within a life cycle. The project action area is defined as the Perdido Key and Santa Rosa Island hunting areas, which include the open waters of Big Lagoon (north of Perdido Key) and Santa Rosa Sound (north of Santa Rosa Island). These areas would be crossed by boat traffic. The action area also includes the waters at or below the ordinary high tide line on the northern beaches where temporary blinds may be placed on a daily basis during the hunting season.

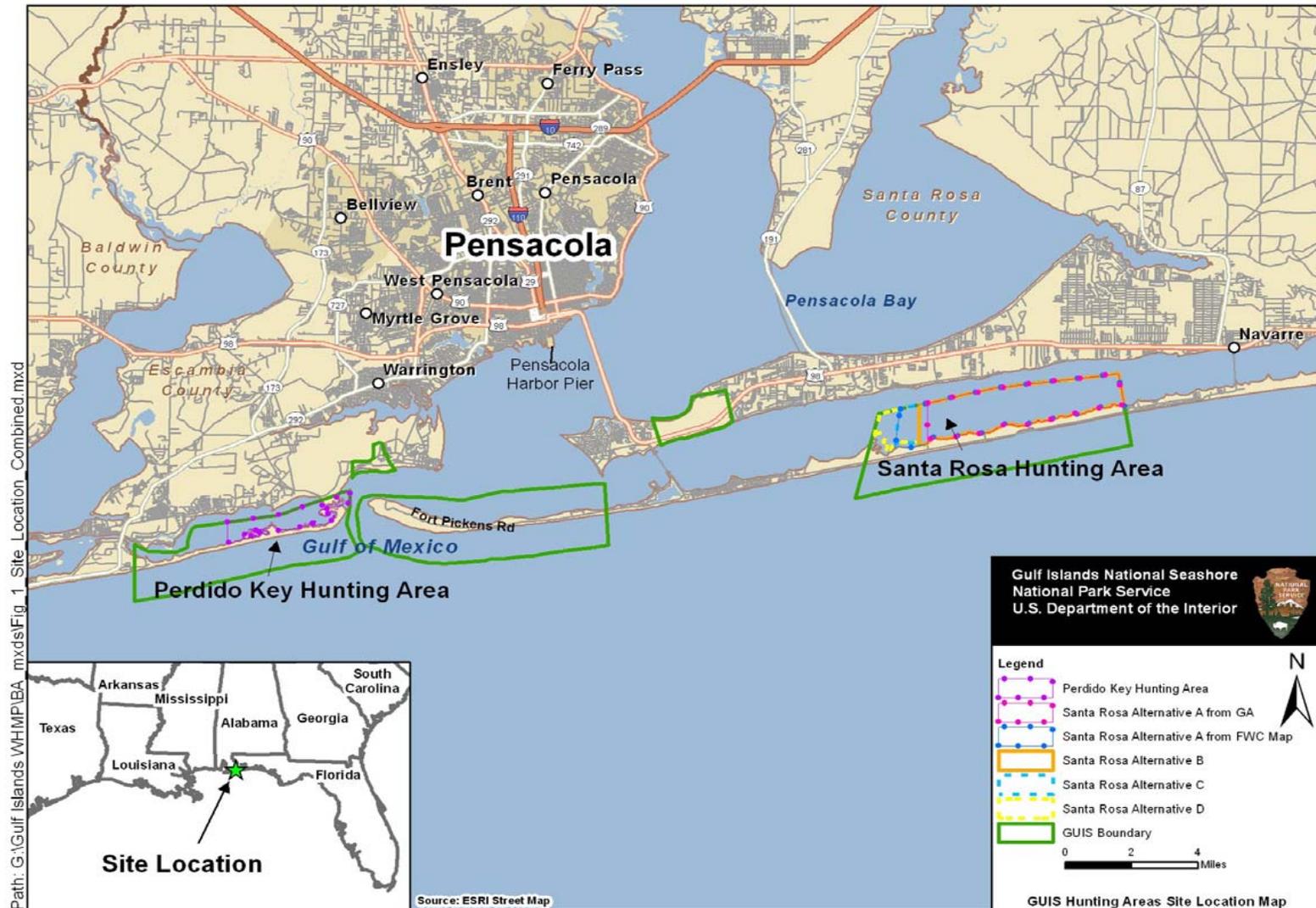


Figure 1 GUIS Hunting Areas Site Location Map

2. PROJECT DESCRIPTION

BACKGROUND

The enabling legislation for GUIIS (Public Law 91-660) recognizes hunting in accordance with applicable State and Federal laws as a legitimate form of outdoor recreation at GUIIS. Hunting at GUIIS is currently managed under a general agreement (GA) between FWC and GUIIS. The GA was initially developed in 1999 and was renewed in August 2006. The renewed GA included regulations regarding dogs, blinds, and other specific hunting details and indicated that a WHMP and accompanying National Environmental Policy Act (NEPA) document would be developed to provide long-term waterfowl hunting management instead of requiring renewal of the GA every three years. After the GA was signed in 2006, the park suffered hurricane damage, and park resources committed to hurricane cleanup and restoration efforts prevented the completion and execution of the WHMP. The GA was renewed in 2009 without completion of the WHMP and is set to expire in 2012. In 2010, GUIIS received discretionary operation funds to prepare the WHMP and accompanying NEPA compliance documents.

The purpose of the proposed action is to provide long-term management for waterfowl hunting within GUIIS. The action is also intended to support the park's enabling legislation, which directs that GUIIS "shall permit hunting." The WHMP would provide long-term (10-20 years) specific waterfowl hunting management guidelines. The WHMP is intended to provide a system for GUIIS to track and inventory hunter visitation, which is currently unavailable. This would serve to streamline the park's overall administration of waterfowl hunting management by providing detailed, concise guidance. The need for a WHMP has been identified in the Draft GUIIS General Management Plan (GMP), currently under development and scheduled for completion in 2011. The Draft GMP identifies the WHMP as an "action plan."

The project objective is to provide a manageable system for continued hunting within GUIIS that ensures visitor access to waterfowl hunting areas while also addressing public safety and the visitor experience of the non-hunting community, as well as minimizing disturbance to the coastal ecosystem.

PROPOSED ACTION

The proposed action would entail development and implementation of a WHMP that would provide long-term management of hunting with specific waterfowl hunting management tools. The WHMP is a mechanism to continue to allow hunting at GUIIS, per the enabling legislation of the park and the 2009 GA, which outlined the intent of the park to develop a WHMP.

The WHMP would differ from the GA in that it would:

- Provide a permitting system beyond the USFWS Migratory Bird HIP license and a duck "stamp" from the State.
- Provide a system to collect waterfowl harvest data.
- Further clarify the park's rules associated with use and construction of blinds, and use of hunting dogs.

The WHMP will require interagency coordination with FWC. NPS and FWC share an interest in providing opportunities for hunting at GUIIS, consistent with visitor safety and the conservation, management, and protection of GUIIS wildlife resources for the enjoyment and education of present and future generations. NPS and FWC also share an interest in ensuring the recovery of the Perdido Key

beach mouse (*Peromyscus polionotus trissyllepsis*) and piping plover (*Charadrius melodus*), species listed as protected by the USFWS and the State of Florida.

The proposed action includes updating the hunting boundary maps to be consistent with the State and Federal waterfowl hunting regulations and to aid both compliance with and enforcement of the hunting boundaries. The boundary modifications include shifting the western boundary of the Santa Rosa Hunting Area 100 meters to exclude federally designated critical habitat for the piping plover. Boundary changes within the Santa Rosa Hunting Area refer to the western hunting boundary only; the eastern hunting boundary would remain unchanged. Existing hunting boundaries at the Perdido Key Hunting Area would remain the same. . There are five alternatives related to the western boundary of the Santa Rosa Hunting Area as follows:

- Alternative A – Continue Existing Management (No Action). Implement GA to continue to allow hunting; all boundaries would remain as described in GA where the western boundary of the Santa Rosa Hunting Area would continue to coincide with coordinates 30° 21'26.54"N, 87° 1'7.53"W, but is enforced as shown on the hunting maps as coinciding with the Santa Rosa NPS gate (Figure 2). The eastern boundary of the Santa Rosa Hunting Area would continue to be the NPS boundary at Navarre Beach. Hunting boundaries at the Perdido Key Hunting Area would remain the same.
- Alternative B – Park Boundary Shifted east of Critical Habitat. Implement WHMP to continue to allow hunting; move western hunting boundary of Santa Rosa Hunting Area to be 100 meters west of the critical habitat boundary for piping plover (Figure 3). Hunting boundaries at the Perdido Key Hunting Area would remain the same.
 - B1 – implement permit system requirements
 - B2 – do not implement permit system requirements.
- Alternative C – Park Boundary Shifted to Coincide with NPS Gate. Implement WHMP to continue to allow hunting; revise western boundary of Santa Rosa Hunting Area to coincide with the GUIIS land boundary and entrance gate, including a 100 meters buffer along the critical habitat boundary for piping plover (Figure 4). Hunting boundaries at the Perdido Key Hunting Area would remain the same.
 - C1 – implement permit system requirements.
 - C2 – do not implement permit system requirements.
- Alternative D – Park Boundary Shifted to Coincide with GUIIS Water Boundary. Implement WHMP to continue to allow hunting; revise western boundary of Santa Rosa Hunting Area to be concurrent with GUIIS water boundary through Big Sabine Point, to be 100 meters north of the critical habitat boundary for piping plover, from the NPS water boundary at Big Sabine Point east to 100 meters west of the critical habitat boundary (Figure 5). Hunting boundaries at the Perdido Key Hunting Area would remain the same.
 - D1 – implement permit system requirements.
 - D2 – do not implement permit system requirements.
- Alternative E – Eliminate Hunting within GUIIS. - Santa Rosa Hunting Area and Perdido Key Hunting Area would no longer exist and hunting of waterfowl would not be allowed at GUIIS. This alternative would be considered as a part of the NEPA process for comparative purposes. However, this alternative would not meet the project purpose and need, as the park's enabling legislation states that the park shall allow hunting.

GUIIS is considering development of a permit system that would require hunters to obtain a no-cost daily waterfowl hunting permit in addition to an internet- or phone-based permit issuing system.

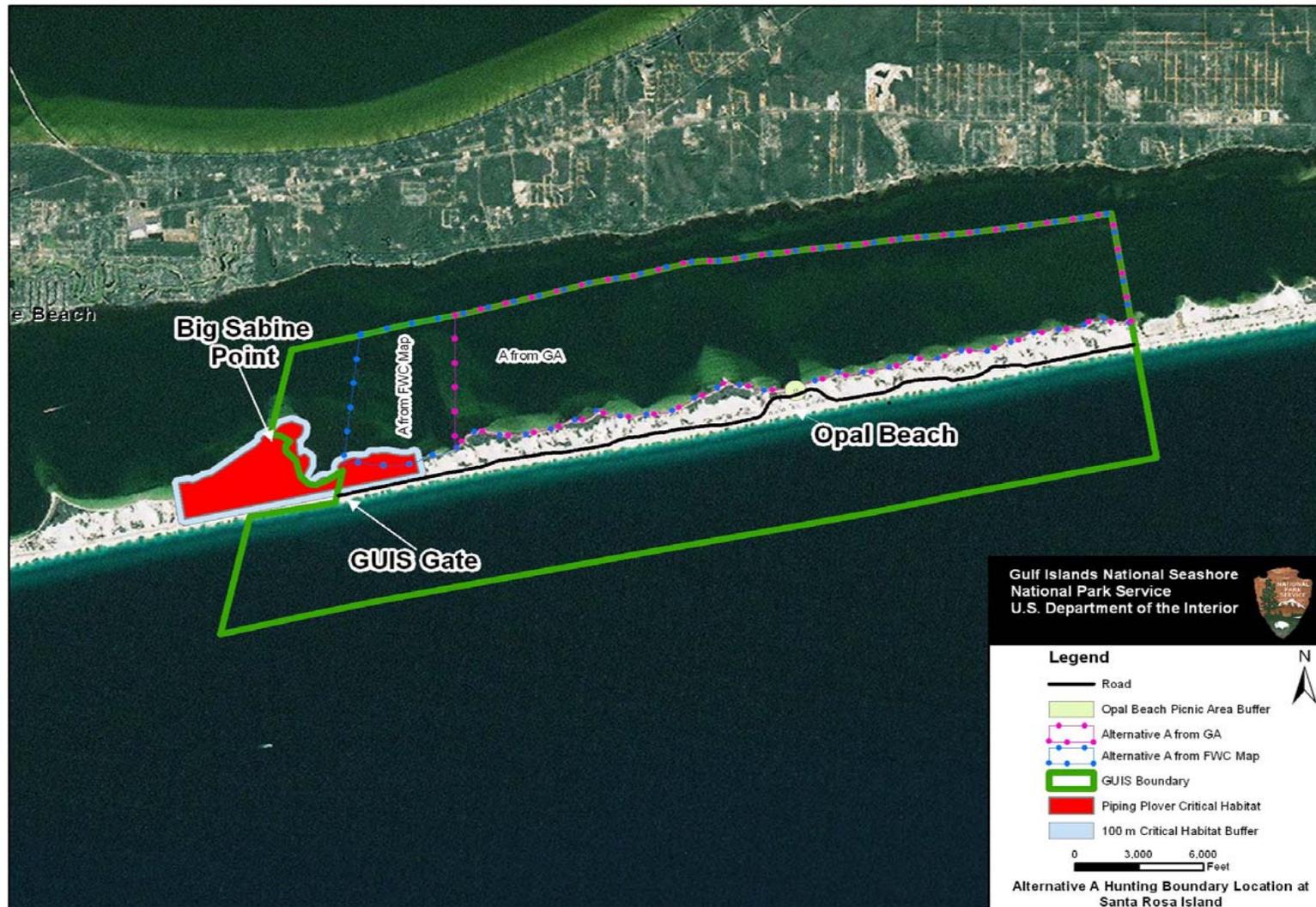


Figure 2 Santa Rosa Hunting Area Alternative A

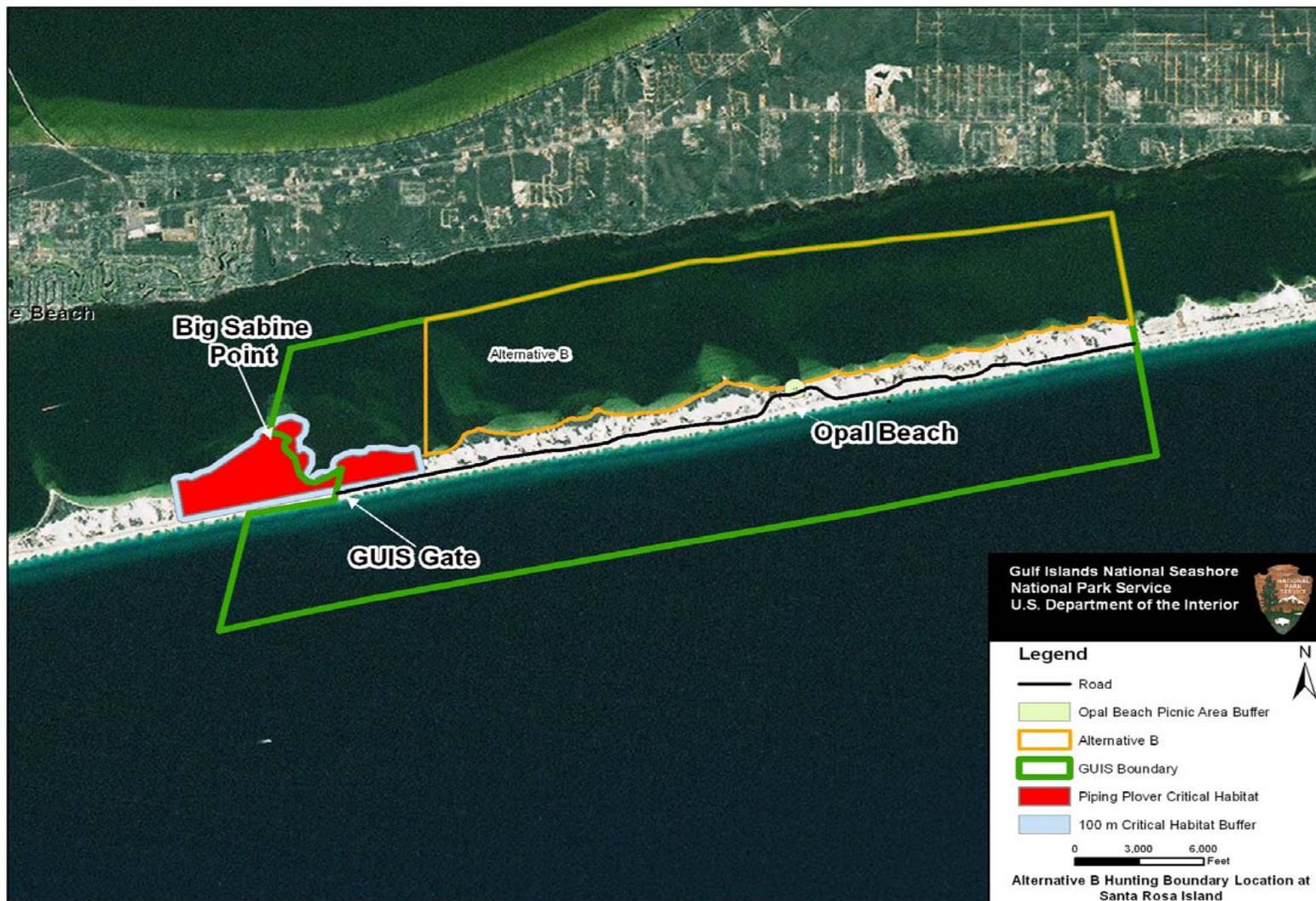


Figure 3 Santa Rosa Hunting Area Alternative B

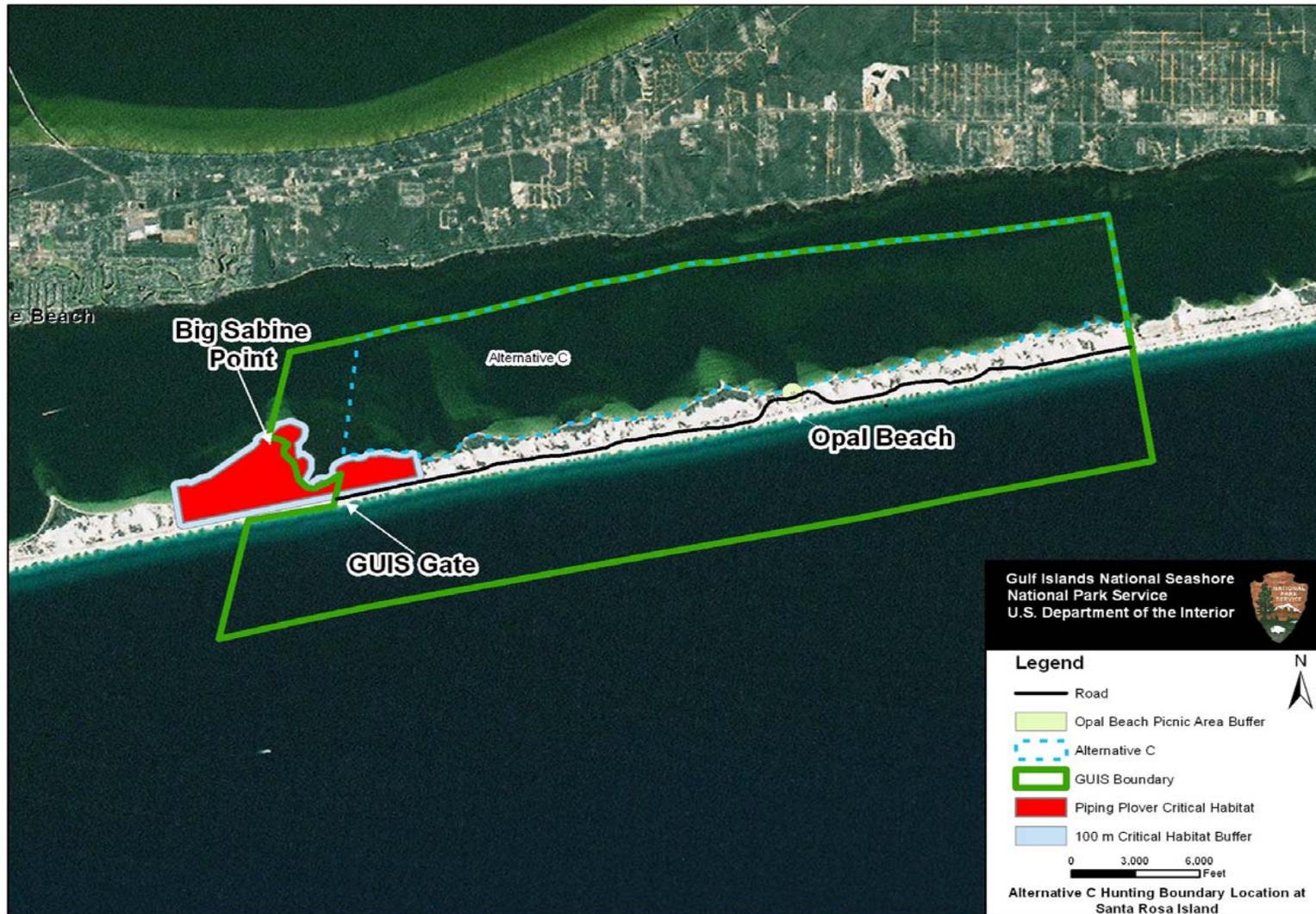


Figure 4 Santa Rosa Hunting Area Alternative C

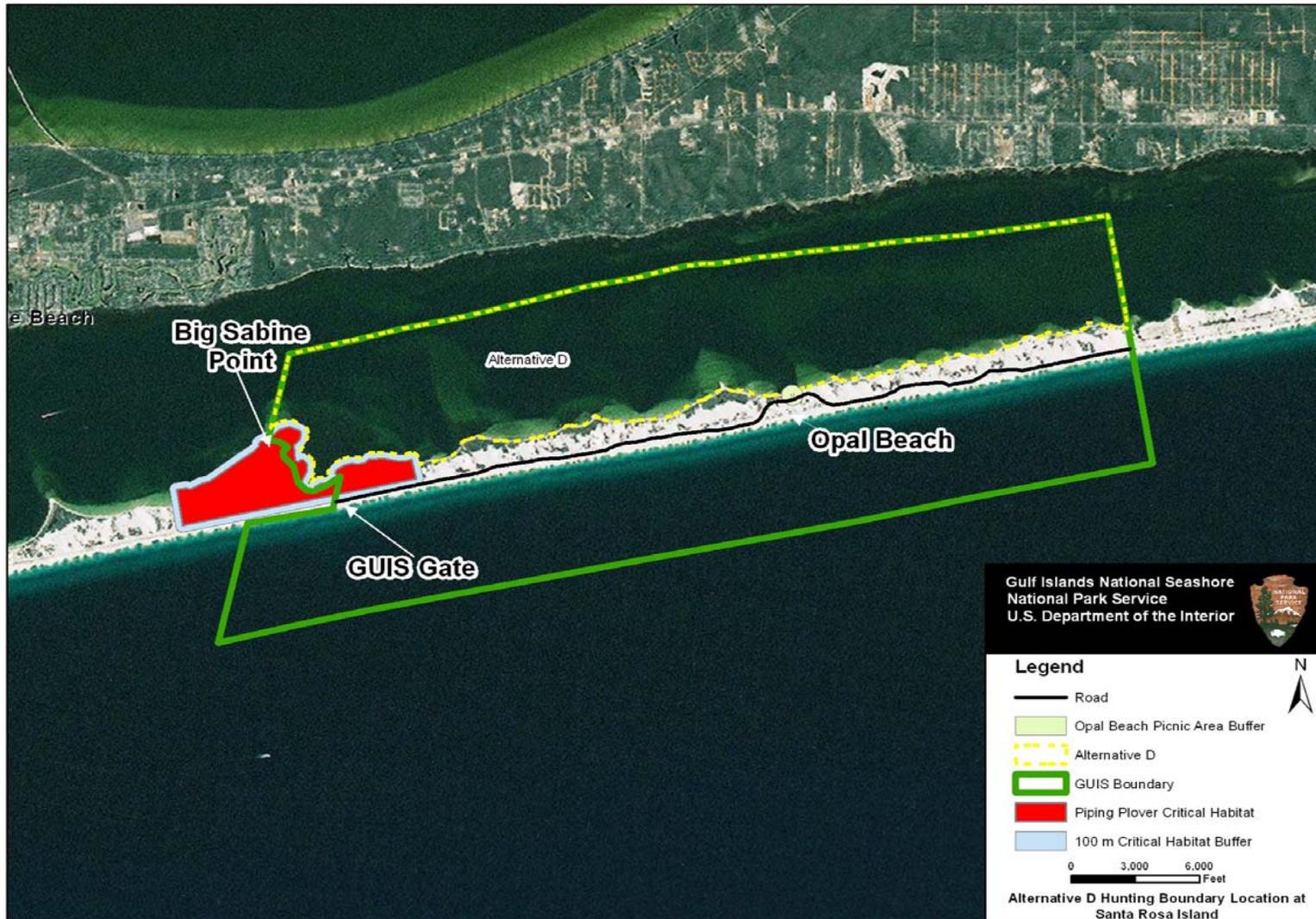


Figure 5 Santa Rosa Hunting Area Alternative D

Waterfowl hunters are currently, and would continue to be, required to comply with all State and Federal regulations at GUIIS. This includes possession of a: valid hunting license, State waterfowl hunting permit, Federal duck stamp, and a USFWS Migratory Bird Harvest Information Program (HIP) license. Hunting regulations are published each fall and are available at www.MyFWC.com/duck. Statewide regulations, which currently apply to the hunting areas, are described in an annual hunting brochure prepared by the FWC (2010) titled, "Migratory Game Bird Regulations for Waterfowl and Coot Seasons" in which bag/possession limits, permitting requirements, and other hunting regulations are described. Non-toxic shot is required for hunting as specified by the USFWS Migratory Bird Program. Hunting season dates are also provided for waterfowl (i.e., duck, merganser, and light geese), coot, and Canada goose. The waterfowl hunting season varies slightly from year to year, but generally is from late November through February.

WHMP General Information

Per GUIIS' enabling legislation (16 U.S.C. §459h), Section 459h-2 authorizes GUIIS to permit hunting and fishing on lands and waters within the park in accordance with applicable Federal and State laws. It also authorizes GUIIS to determine in which park areas, and during which times, hunting is permitted consistent with public safety, administration, fish or wildlife management, or other public use and enjoyment. The statute also requires that, before implementing hunting regulations for park areas, GUIIS consult with the State.

As cooperating agencies, it is anticipated that NPS and FWC would enforce the following management activities in addition to standard hunting regulations:

1. NPS would provide FWC annual waterfowl population inventories and hunter use and waterfowl harvest statistics within the hunting areas under GUIIS jurisdiction.
2. To conserve the dune areas of Perdido Key by reducing human foot traffic, GUIIS would continue a moratorium on dove hunting in the Perdido Key Unit of GUIIS.
3. GUIIS would work cooperatively with FWC on law enforcement and safety issues associated with waterfowl hunting in GUIIS.

Hunting Restrictions and Boundaries

While hunting is already excluded within federally designated critical habitat for piping plover, the hunting maps inaccurately depict the hunting boundary as being located within piping plover critical habitat at Santa Rosa Island. The proposed action has four action alternatives and would revise the western hunting boundary of the Santa Rosa Hunting Area (Figures 2-5). The boundary for Alternative A is the existing management boundary. The boundary for Alternative B would be 100 meters east of designated piping plover critical habitat's eastern boundary.; The boundary for Alternative C coincides with the GUIIS gate. The boundary for Alternative D coincides with the GUIIS Water Boundary near Big Sabine Point. Waterfowl hunting would continue to be permitted from boats at both hunting areas under Statewide regulations.. The landward waterfowl hunting boundary, as proposed under the proposed action, and any defined exclusions zones, would be identified and marked and would be visible from hunting areas below the ordinary high tide line.

The following restrictions, as stated in the GA and to be included in the WHMP, would apply to both hunting areas:

- a. All access for hunting shall be by boat.
- b. A 150-yard no hunting buffer shall be maintained west and east of the sound side picnic area at Opal Beach on Santa Rosa Island.
- c. The Perdido Key Hunting Area, extending ½ mile east of the end of the paved road and then east to the end of the island, is open to hunting of waterfowl only, pursuant to applicable seasons, times and other regulations established by the State of Florida. Hunting is closed at all times ½ mile east of the end of the paved road to the western boundary of the Perdido Key Hunting Area.
- d. Boat motors with combustion engines shall not be operated over seagrass beds.
- e. The designated waterfowl hunting areas within Santa Rosa Sound and Big Lagoon can only be accessed by water. No overland access to these designated hunting areas is permitted.

Permitting

Waterfowl hunting within GUIIS boundaries would require a hunting permit under the WHMP. Permitting options under consideration include the use of a “daily permit” that would be generated by various means. An online system could be used for application and printing of the permit. Individuals with no access to the internet would use a dedicated NPS phone number that would allow NPS staff to prepare the online permit for the applicant.

Use of a daily quota system, where the computer generates a permit number for each hunter, would allow more effective tracking by law enforcement. This type of system would let law enforcement know where hunters are and would allow noting trends in the number of hunters after several years of data collection.

Waterfowl Harvest Data

Collection of waterfowl harvest data would be included as an element of the WHMP. Considerations would be given to various methods, such as collecting harvest data through the permitting system, using check stations or “iron maidens” at boat ramps, having GUIIS personnel conduct field surveys of hunters, and mailing hunter/waterfowl surveys. Conducting field surveys during the hunting season is the current method of harvest data collection. This method entails direct contact with hunters either by all-terrain vehicle (from the beach below the high tide line) or by boat. Collection of waterfowl harvest data would allow GUIIS to project hunting trends into the future to determine what adjustments to the hunting program should be made.

Blinds

Under the proposed action, the “use” of a blind would be defined as hunting within 30 yards of a blind. Further, the WHMP would require that no park vegetation would be cut or collected to construct temporary blinds and that non-native plant material would be restricted from use in constructing blinds. Palm fronds specifically would be prohibited in constructing blinds.

Dogs

The WHMP would state that the use of any hunting dogs would be under control by the hunter at all times. Dogs remain mostly with the hunter in the boat or in the water retrieving waterfowl, and minimally venture on the shoreline, except to avoid wanton waste. FWC (2010) rules discourage the idea of “wanton waste,” where a hunter wounds or kills waterfowl but does not retrieve the birds. Hunting dogs would be allowed to cross the beach to retrieve downed waterfowl to avoid “wanton waste”. Dogs will be transported to and from the hunting areas by boat, as no access to hunting areas will be allowed by land.

3. EXISTING CONDITIONS AND ACTION AREA

TERRESTRIAL

The terrestrial vegetation on Perdido Key and Santa Rosa Island is influenced by salt spray, sand deposition, wind flow, erosion, and human and meteorological disturbances (NPS, 2006). Vegetative communities within GUIIS include dunes, forests, salt marshes, and bayous (NPS, 2006). A beach environment is present on the Gulf of Mexico side of the islands, and shoreline vegetation is minimal because of continual wave and visitor activity. Vegetation in the shoreline area is mainly sea oats in a dune environment (NPS, 2006).

A variety of shorebirds frequent GUIIS including the following State species of concern: piping plover, least tern (*Sterna antillarum*), snowy plover (*Charadrius alexandrinus tenuirostris*), and black skimmer (*Rhynchops niger*), little blue heron (*Egretta caerulea*), reddish egret (*Egretta rufescens*), and snowy egret (*Egretta thula*). Brown pelicans (*Pelecanus occidentalis*), another State species of concern, feed primarily in shallow waters within 20 miles of the shoreline, rest during the day and roost at night on sand spits and offshore sand bars, and nest on small coastal islands; however, they do not nest in GUIIS (NPS, 2006). Snowy plovers, least terns, and other migratory bird species are protected by the Migratory Bird Treaty Act (MBTA). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR § 21).

Recent Waterfowl Hunting Levels

The GUIIS Science and Resources Management Division conducted monitoring of the Santa Rosa and Perdido Key hunting areas during the 2009-2010 waterfowl hunting season (NPS, 2010). Contacts with hunters provided data including species taken, numbers of fowl taken, sex of fowl, whether dogs were deployed in this effort, general data on the hunters, and compliance with site-specific waterfowl hunting regulations. The intent of the data collection was for the documentation of harvest and trends, as well as to observe/enforce compliance with site-specific waterfowl hunting regulations. During the 2009-2010 hunting season, 67 surveys were completed; 36 were at the Santa Rosa Hunting Area and 31 were at the Perdido Key Hunting Area. The Santa Rosa area had more hunters than the Perdido Key area; however, results indicated that neither hunting area at GUIIS had heavy use during the 2009/10 hunting season. A total of 27 hunters were documented over the entire season. In addition, the number of waterfowl taken was low; only 12 birds were bagged during the survey. Species taken were: bufflehead (*Bucephala albeola*), blue-winged teal (*Anas discors*), redhead (*Aythya americana*), red-breasted merganser (*Mergus serrator*), and northern shoveler (*Anas clypeata*).

AQUATIC

Santa Rosa Sound and Big Lagoon are part of the Pensacola Bay system. Pensacola Bay is a saline bay with a surface area of 54.1 square miles and a ½-mile wide pass (Caucus Channel) to the Gulf of Mexico. Santa Rosa Sound is a 42.4 square mile lagoon, which connects Choctawhatchee Bay to the east and Pensacola Bay to the west. Big Lagoon is approximately 18 square miles and connects Perdido Bay and Pensacola Bay.

Water Quality

According to the Florida Administrative Code 62-302, Surface Water Quality Standards, the majority of Santa Rosa Sound is designated as Class II waters, which are waters designated for shellfish propagation or harvesting. A water quality classification is not listed for Big Lagoon; however, this water body is part

of Pensacola Bay, which is also designated as Class II waters. Florida surface water classifications are arranged in order of the degree of protection ranging from Class I, the most stringent water quality criteria, to Class V, the least.

Outstanding Florida Waters

The waters within GUIIS, including Santa Rosa Sound and Big Lagoon, have been designated as Outstanding Florida Waters (OFWs), indicating these bodies of water are worthy of special protection due to natural attributes. An OFW is designated by the Florida Environmental Regulation Commission (ERC), a non-salaried, seven-member board, who represent agriculture, the development industry, local government, the environmental community, citizens, and members of the scientific and technical community. Once it is determined that the environmental, social, and economic benefits of the OFW status outweigh the environmental, social, and economic costs (Florida Administrative Code, Rule 62-302.700[5]), the ERC may designate a water of the State as an OFW. The Florida Department of Environmental Protection (FDEP) is granted the authority by Florida Statute Section 403.061(27) to establish rules for OFW, which are deemed worthy of special protection due to the natural attributes of the OFW.

The purpose of the designation as an OFW is to protect existing good water quality. FDEP will not issue permits for direct pollutant discharges to OFWs if the discharges would lower ambient (existing) water quality or for indirect discharge that would significantly degrade the OFW. The proposed action would not result in short- or long-term adverse effects to the OFWs surrounding Santa Rosa Island and Perdido Key as there would be no in-water construction activity associated with the proposed action.

Submerged Aquatic Vegetation

Submerged aquatic vegetation is a diverse assembly of rooted macrophytes that grow in shallow water. At GUIIS, submerged aquatic vegetation beds consist of several species of seagrasses. The Pensacola Bay system contains four species of true seagrasses: turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium filiforme*), shoal grass (*Halodule wrightii*), and star grass (*Halophila engelmannii*); and two brackish water species: tape grass (*Vallisneria americana*) and widgeon grass (*Ruppia maritima*) (FDEP, 2001). The primary seagrass species at GUIIS are turtle grass, manatee grass, shoal grass, and widgeon grass (NPS, 2006).

Approximately 1,930 acres of potential seagrass habitat are within the hunting areas of Big Lagoon and Santa Rosa Sound (NPS, 2006). Potential seagrass habitat within GUIIS consists of shallow areas less than 7 feet deep, with stable sediments and slow currents (NPS, 2006). The area north of Santa Rosa Island is one of the only water bodies within the Pensacola Bay watershed that still contain moderately diverse seagrass beds (FDEP, 2001).

Seagrass species are not Federal or State listed species; seagrasses are protected as critical for fish habitat, and national and local laws help protect seagrass various ways. Section 404 of the Clean Water Act protects seagrass by controlling the disposal of dredge materials (sediment), which can block light and kill seagrass. Section 10 of the Rivers and Harbors Act protects seagrass by regulating the building of structures in the water, which can block light or water flow to seagrass and potentially kill the seagrass. Local laws often protect seagrass by limiting boating and fishing access in sensitive areas (Center for Ocean Sciences Education Excellence [COSEE], 2011).

4. CRITICAL HABITAT AND PROTECTED SPECIES CONSIDERED

CRITICAL HABITAT

Federally designated critical habitat for the Perdido Key beach mouse exists near the Perdido Key Hunting Area (USFWS, 2006) (Figure 6). The designated units extend 500 feet landward of the mean high tide line in three units on Perdido Key, but critical habitat for the Perdido Key beach mouse does not extend into the action area of the Perdido Key Hunting Area. Should harvest data continue to be collected from the beach using all-terrain or utility vehicles, this activity would not affect designated critical habitat, as vehicles do not travel over or through the dune areas or beyond the 500-foot boundary landward from the mean high tide line.

Federally designated critical habitat for the wintering population of piping plover within GUIIS is located at the Santa Rosa Hunting Area (Figure 7) and 1.6 miles north of the GUIIS boundary at the Perdido Key Hunting Area (Figure 8) (USFWS, 2001a). The alternatives for hunting area boundaries are depicted on Figure 7 for the Santa Rosa Hunting Area. Piping plovers do not nest at GUIIS (USFWS, 2001a). USFWS (2001) defines the primary constituent elements for piping plover wintering habitat as “those habitat components that are essential for the primary biological needs of foraging, sheltering, and roosting, and only those areas containing these primary constituent elements within the designated boundaries are considered critical habitat.” Piping plovers are known to winter and forage in both hunting areas; however, designated critical habitat areas are excluded from the hunting areas under the proposed action.

USFWS and NOAA Fisheries (2003) recently designated critical habitat essential to the conservation of the Gulf sturgeon (Figures 9 and 10). Nearshore waters within 1 nautical mile of the mainland from Pensacola Pass to Apalachicola Bay and the Perdido Key area and the area north of Santa Rosa Island, which includes both current and proposed hunting areas, were designated as critical habitat because they are believed to be important migratory pathways between Pensacola Bay and the Gulf of Mexico for feeding and genetic exchange.

PROTECTED SPECIES

This BA examines the potential effects of the proposed action on federally listed or proposed listed species that may be present within the action area as described under Section 1 (Table 1) (USFWS, 2011a; NOAA Fisheries, 2011a). This BA focuses on project-related impacts to these species and includes avoidance and minimization measures for potential impacts, where appropriate. Protected species included in correspondence from USFWS and NOAA Fisheries (Appendix A) that are unlikely to occur in the project include the following: eastern indigo snake (*Drymarchon corais couperi*), red-cockaded woodpecker (*Picoides borealis*), reticulated flatwoods salamander (*Ambystoma bishopi*), wood stork (*Mycteria americana*), Florida perforate cladonia (*Cladonia perforate*), blue whale (*Balaenoptera musculus*), finback whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), sei whale (*Balaenoptera borealis*), sperm whale (*Physeter macrocephalus*), largetooth sawfish (*Pristis perotteti*), elkhorn coral (*Acropora palmata*), staghorn coral (*Acropora cervicornus*), narrow pigtoe (*Fusconaia escambia*), round ebonyshell (*Fusconaia rotulata*), fuzzy pigtoe (*Pleurobema strodeanum*), and Choctaw bean (*Villosa choctawensis*). These species are unlikely to occur in the action area based on habitat preferences, lack of prey, and/or known distribution data; they are not evaluated further in this BA. The largetooth sawfish is considered extirpated in the Gulf waters of Florida and is thought to occur primarily in freshwater habitats in Central and South America and Africa (NOAA Fisheries, 2010).

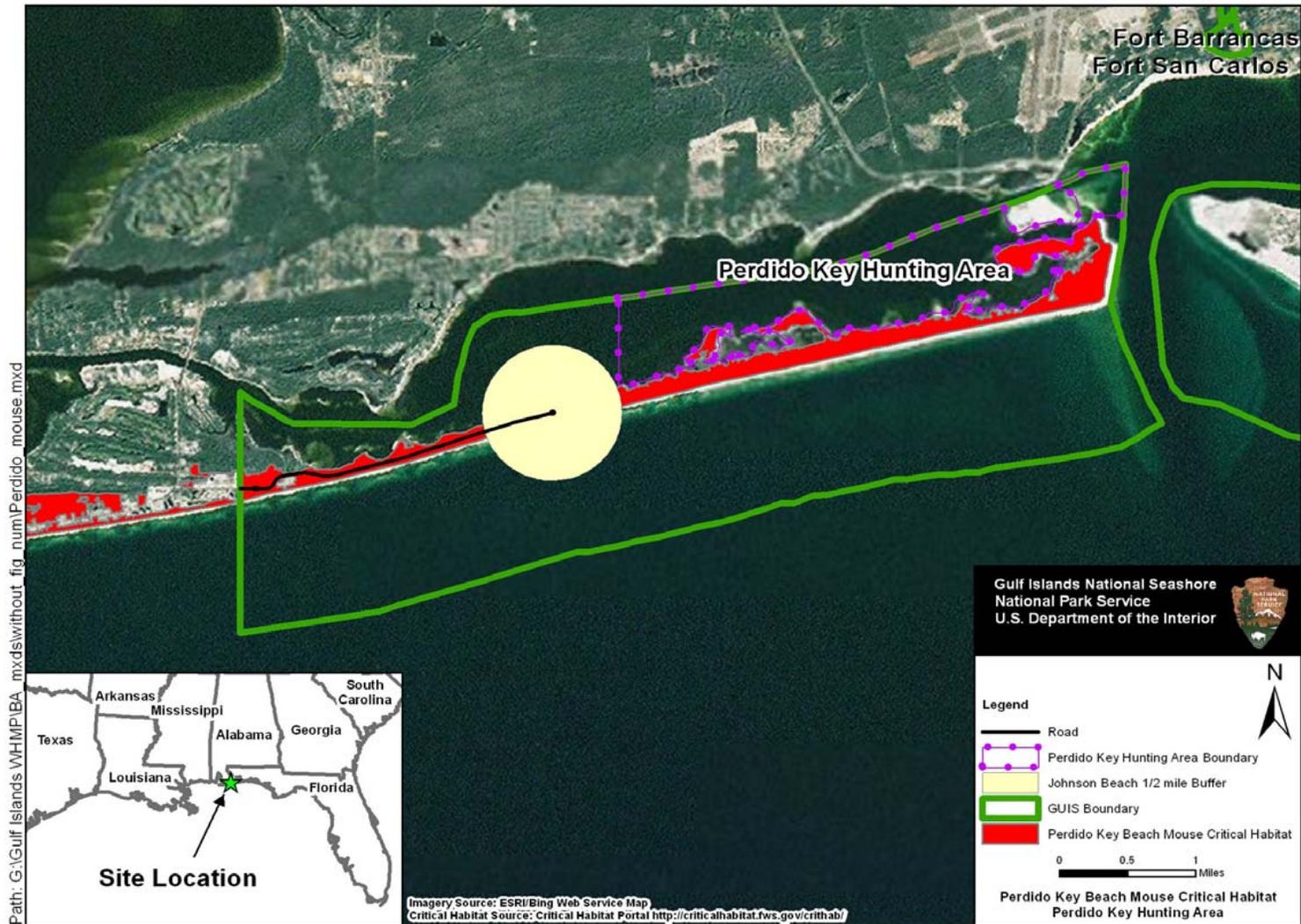


Figure 6 Perdido Key Beach Mouse Critical Habitat

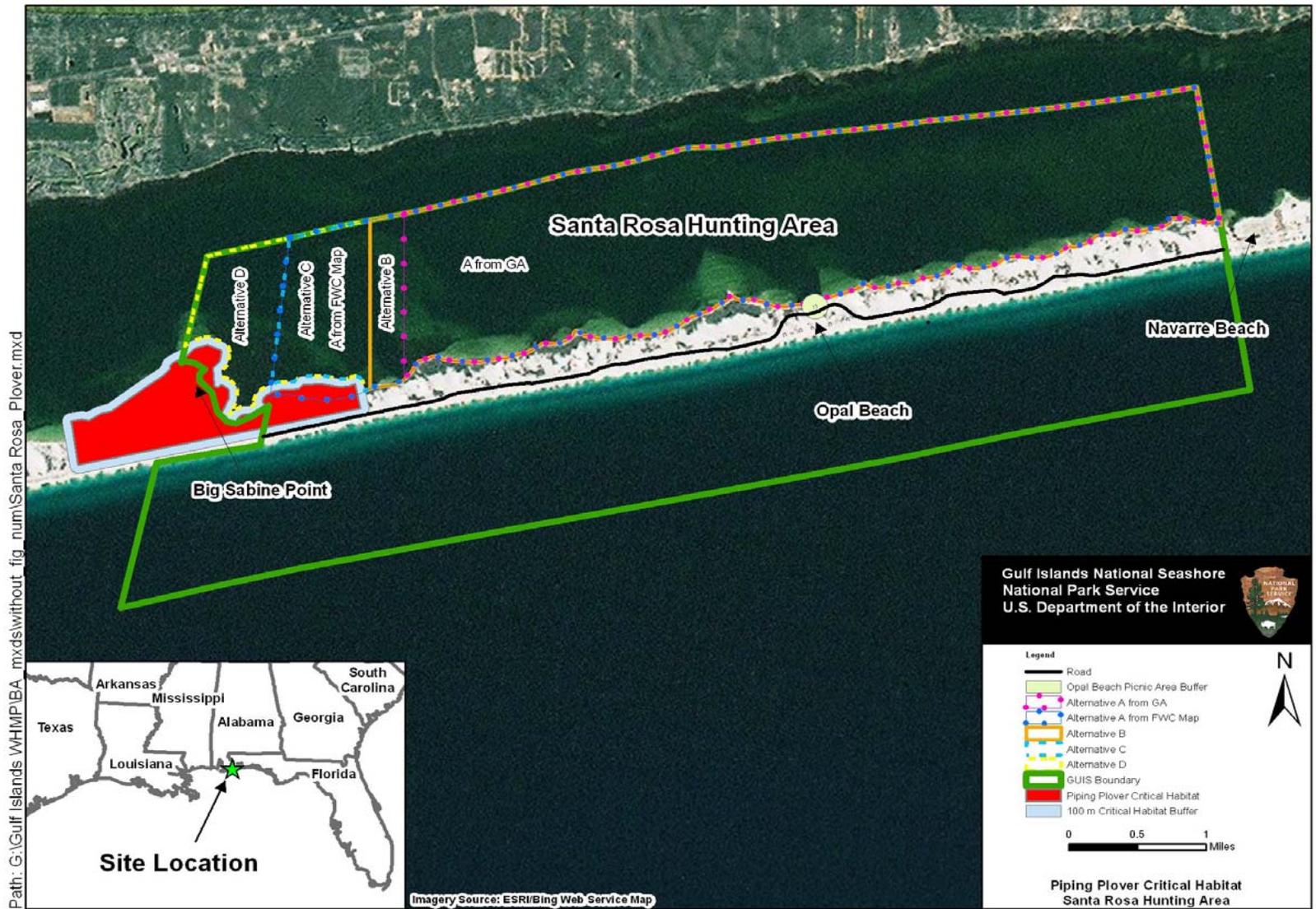


Figure 7 Santa Rosa Hunting Area Piping Plover Critical Habitat

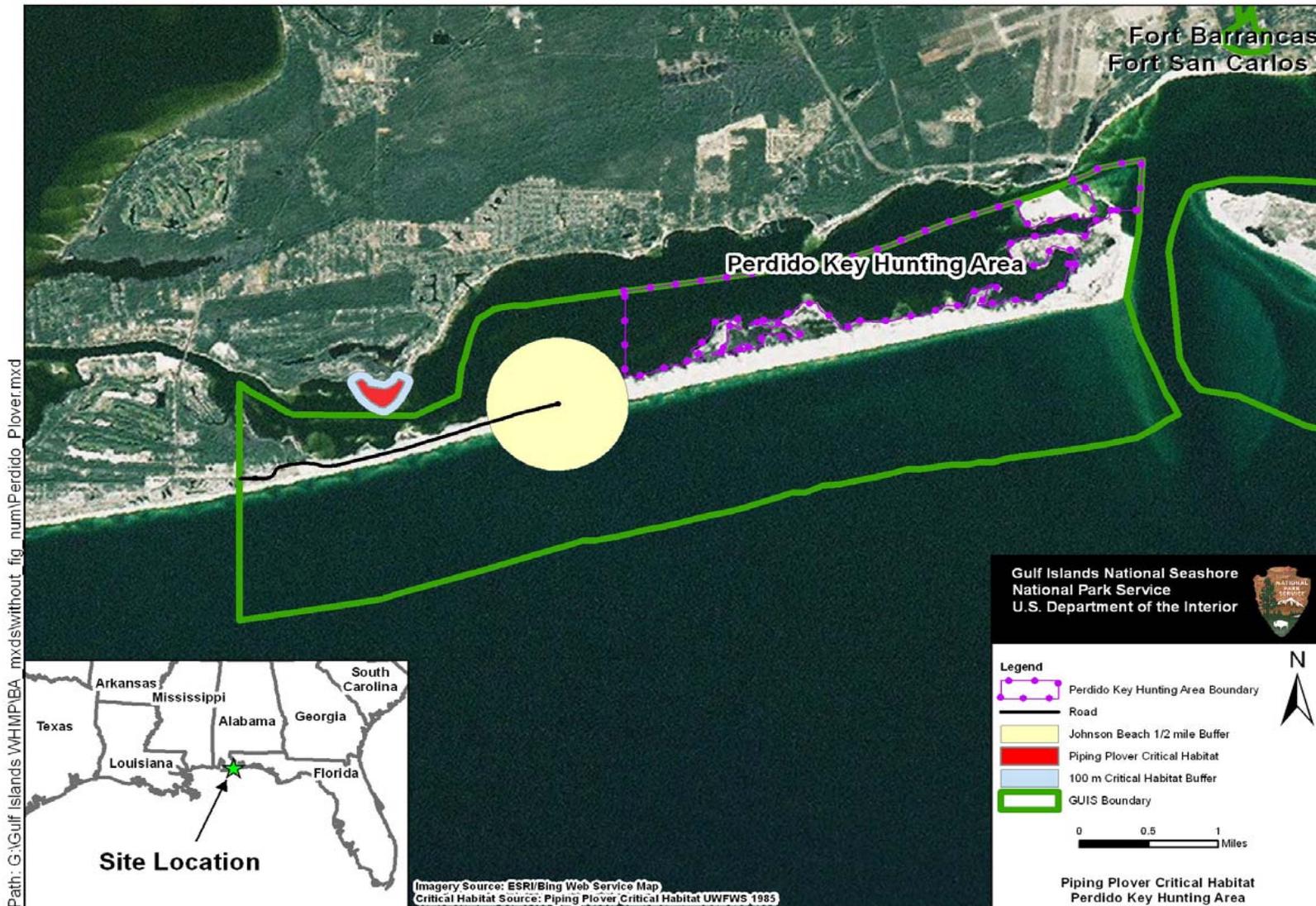


Figure 8 Perdido Key Hunting Area Piping Plover Critical Habitat

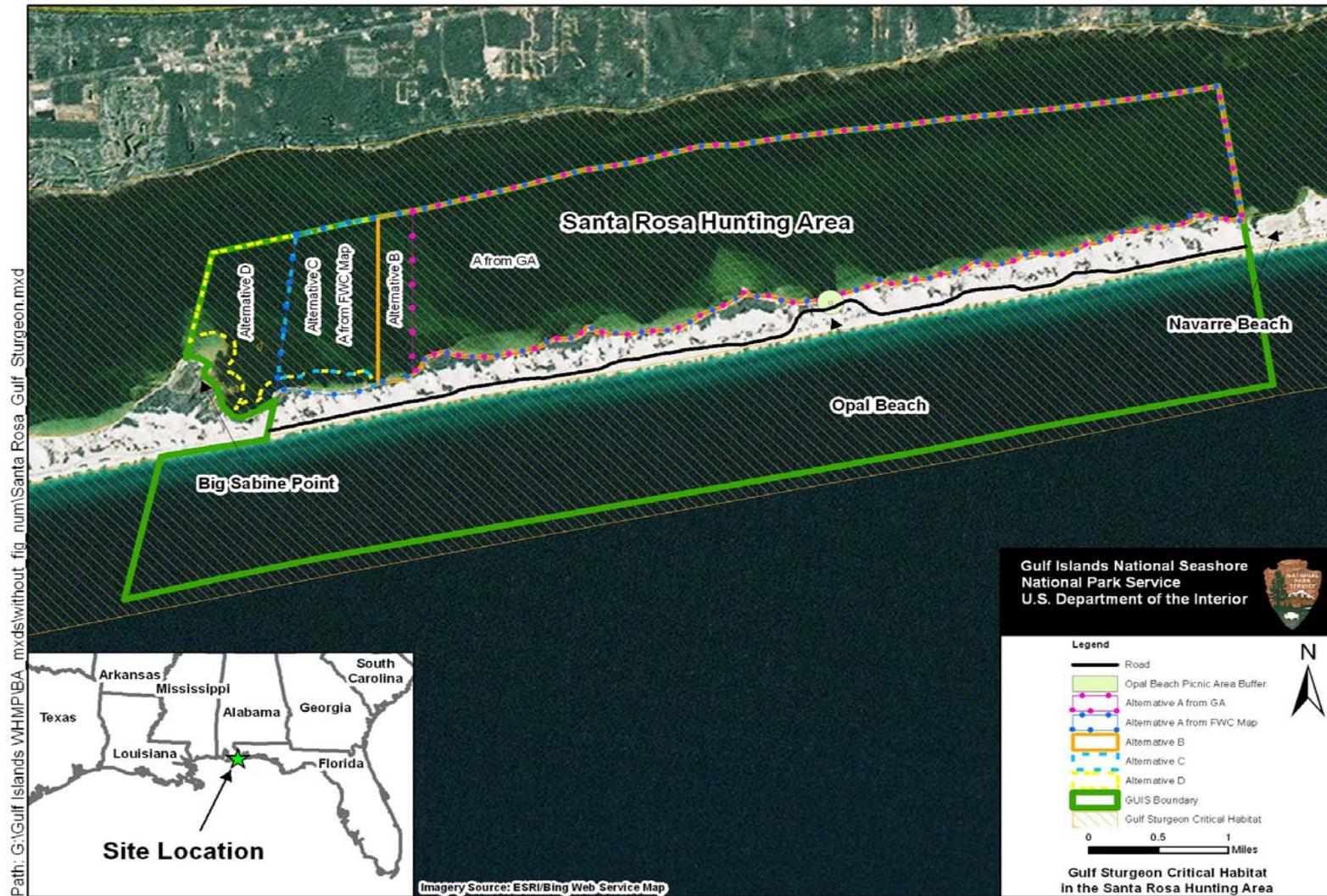


Figure 9 Santa Rosa Hunting Area Gulf Sturgeon Critical Habitat

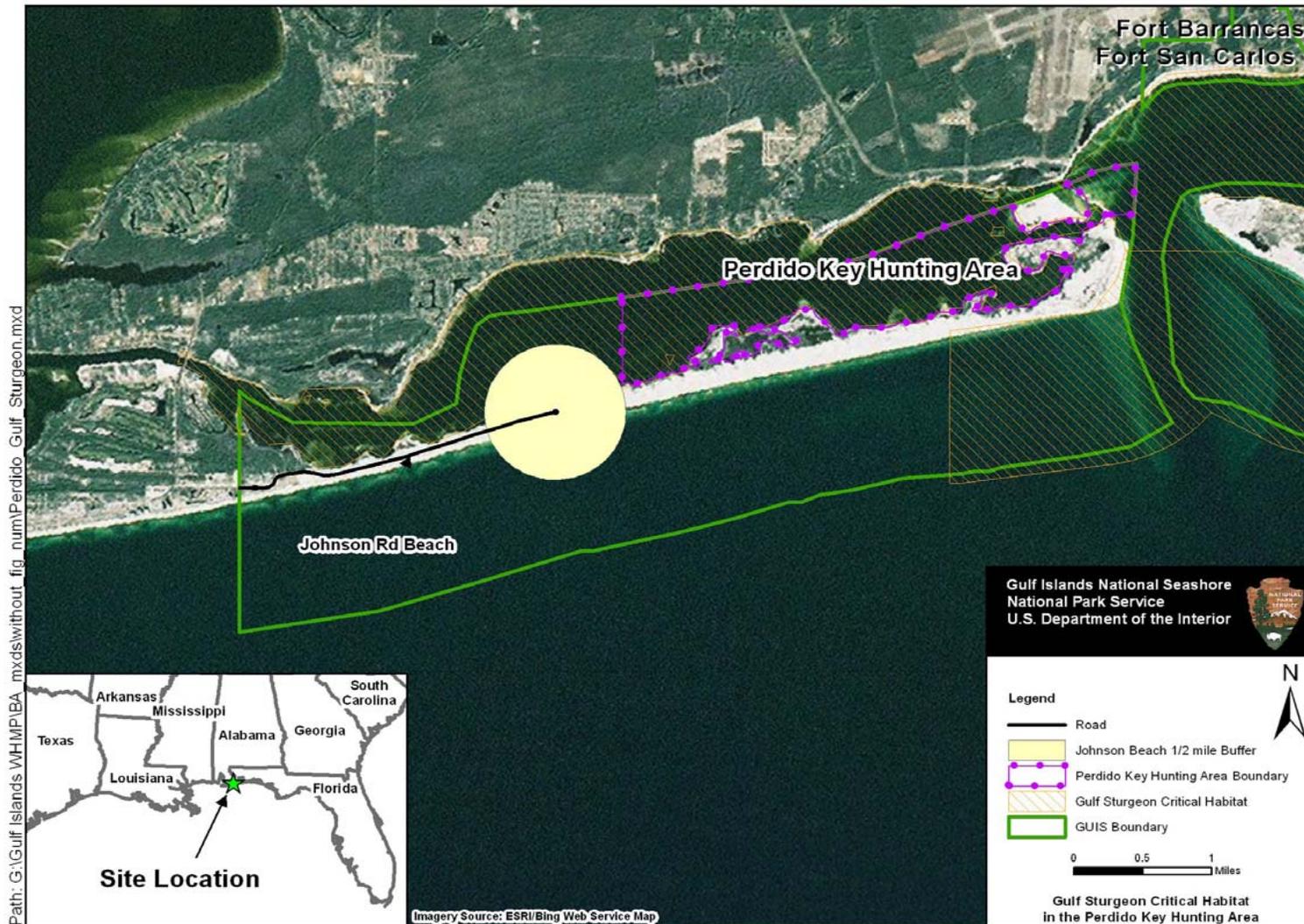


Figure 10 Perdido Key Gulf Sturgeon Critical Habitat

Table 1 Federally Listed Species Potentially Present in or near the Action Area

Listed Species	Scientific Name	Federal/State Status	Potential to Occur in or Near Action Area
Terrestrial Mammals			
Perdido Key beach mouse*	<i>Peromyscus polionotus trissyllepsis</i>	FE/SE	X
Marine Mammals			
West Indian manatee	<i>Trichechus manatus</i>	FE/SE	X
Blue whale	<i>Baelaenoptera musculus</i>	FE/--	
Finback whale	<i>Baelaenoptera physalus</i>	FE/SE	
Humpback whale	<i>Megaptera novaeangliae</i>	FE/SE	
Sei whale	<i>Baelaenoptera borealis</i>	FE/SE	
Sperm whale	<i>Physeter macrocephalus</i>	FE/SE	
Birds			
Red knot	<i>Calidris canutus</i>	FC/--	X
Piping plover*	<i>Charadrius melodus</i>	FT/ST	X
Red-cockaded woodpecker	<i>Picoides borealis</i>	FE/SSC	
Wood stork	<i>Mycteria americana</i>	FE/SE	
Reptiles/Amphibians			
Eastern indigo snake	<i>Drymarchon corais couperi</i>	FT/ST	
Reticulated flatwoods salamander	<i>Ambystoma bishopi</i>	FE/SSC	
Marine Turtles			
Atlantic green sea turtle	<i>Chelonia mydas</i>	FE/SE	X
Atlantic loggerhead sea turtle	<i>Caretta caretta</i>	FT/ST	X
Hawksbill sea turtle	<i>Eretmochelys imbricata</i>	FE/SE	X
Kemp's Ridley sea turtle	<i>Lepidochelus kempii</i>	FE/SE	X
Leatherback sea turtle	<i>Dermochelys coriacea</i>	FE/SE	X
Fish			
Gulf sturgeon*	<i>Acipenser oxyrinchus desotoi</i>	FT/SSC	X
Smalltooth sawfish	<i>Pristis pectinata</i>	FE/SE	X
Largetooth sawfish	<i>Pristis pristis</i>	FC/--	
Plants			
Florida perforate cladonia	<i>Cladonia perforata</i>	FE/--	
Invertebrates			
Elkhorn coral	<i>Acropora palmata</i>	FT/--	
Staghorn coral	<i>Acropora cervicornus</i>	FT/--	
Narrow pigtoe	<i>Fusconaia escambia</i>	FC/--	
Round ebonyshell	<i>Fusconaia rotulata</i>	FC/--	
Fuzzy pigtoe	<i>Pleurobema strodeanum</i>	FC/--	
Choctaw bean	<i>Villosa choctawensis</i>	FC/--	

* Designated critical habitat in or near action area.

FE = Federally Endangered; FT = Federally Threatened; FC = Federal Candidate; SE = State Endangered; ST = State Threatened; SSC = State Species of Concern

Perdido Key Beach Mouse

The Perdido Key beach mouse, federally listed as endangered, is one of eight subspecies of the old field mouse (*Peromyscus polionotus*) that occur, or occurred, on barrier islands and other coastal areas of Florida and Alabama. The Perdido Key beach mouse occurs in the wild only on Perdido Key (FWC *et al.* 2005). Perdido Key beach mouse habitat is restricted to the primary dunes, interdunal areas, and secondary and scrub dunes along the Gulf coast of Perdido Key (FWC *et al.*, 2005). They eat fruits and seeds of dune plants, primarily sea oats (*Panicum repens*) and beach grass (*Panicum amarum*), and occasionally eat invertebrates (USFWS, 2011a). They breed year-round (NatureServe, 2011a).

West Indian Manatee

The West Indian manatee is federally listed as endangered. The Florida manatee (*Trichechus manatus latirostris*), a subspecies of the West Indian manatee, is found in the Florida District of GUIIS. The manatee is a large gray or brown aquatic mammal native to the United States in Florida, Georgia, and Puerto Rico. Manatees may be found in coastal or estuarine waters in Florida, but are most common in peninsular Florida (FWC, 2011). Manatees are found in shallow rivers, estuaries, and inshore coastal areas where they feed on seagrasses and other aquatic vegetation (USFWS, 2001b; USFWS, 2011b). During the winter months, manatees migrate to the warmer waters of south Florida or form large aggregations in natural springs and industrial outfalls where water temperatures are elevated (USFWS, 2001b; USFWS, 2011b). At GUIIS, manatee sightings are rare but have been documented in the Gulf of Mexico and Pensacola Bay (NPS, 2006).

Red Knot

The red knot, federally listed as a candidate species, is a long-distance migrant which migrates as part of a large flock (USFWS, 2010). The southeastern United States is mostly used as wintering habitat or as a migrating stopover for red knots; small populations overwinter in Florida although most migrate to South America (USFWS, 2010). Wintering/migrating habitat consists of marine and estuarine habitats, with exposed unconsolidated substrate, dunes, and sandy beaches (USFWS, 2010). In Florida, foraging occurs along sandy beaches, tidal mudflats, salt marshes, peat banks, and mangrove and brackish lagoons (USFWS, 2010). Data on the distribution of red knot within GUIIS is not available; for this BA it has been assumed that red knot may overwinter on all beaches at GUIIS including those adjacent to hunting areas.

Piping Plover

The piping plover, federally listed as threatened, uses bayside shorelines for feeding and roosting during migration and winter months. Parts of GUIIS have been designated as critical wintering habitat; however, critical habitat does not extend below the high tide line and, the proposed action would not allow hunting within critical habitat. Piping plovers begin arriving in GUIIS in July and remain into the following May; wintering habitat is concentrated in open beaches and tidal flats (USFWS, 2008). Full surveys have not been conducted, but within the Florida District of GUIIS, piping plovers are known to winter in tidal flat areas on Perdido Key and on the north side of Santa Rosa Island (NPS, 2006).

Sea Turtles

Five species of federally listed sea turtles are found in the Gulf of Mexico: Atlantic loggerhead turtle, Atlantic green turtle, leatherback turtle, hawksbill turtle, and Kemp's Ridley turtle. Four species of sea turtles are known to occur in the waters of GUIIS: the Atlantic loggerhead, green, Kemp's Ridley, and leatherback; the hawksbill turtle is not known to occur at GUIIS (NPS, 2006). In the Florida District, sea turtles are primarily present in Gulf of Mexico waters (NPS, 2006). However, jellyfish are a common sea

turtle prey item (USFWS, 2011c), which may also attract sea turtles into the Perdido Key area (west of Santa Rosa Island) and the area north of Santa Rosa Island. Additionally, Atlantic green turtles may feed in the seagrass beds in the Perdido Key area and the area north of Santa Rosa Island (east of the project area) (NPS, 2006). Sea turtles are present in GUIIS waters in the spring, summer, and fall until cold weather drives them to warmer southern waters. GUIIS does not have monitoring data on the abundance and distribution of sea turtles in GUIIS waters.

Sea turtles also nest on the beaches within the Florida District of GUIIS during the spring and summer months (NPS, 2006). Turtle nesting typically occurs during May through August, with hatching occurring from late July through October (USFWS, 2011c). The Florida District of GUIIS includes 21 miles of beaches suitable for sea turtle nesting. Loggerhead turtles comprise the majority of sea turtle nesting in the Florida District, although green turtles, Kemp's Ridley turtles, and leatherback turtles have been documented nesting on the beaches in the Florida District of GUIIS (NPS, 2006). An average of 40 to 50 sea turtles nest in the Florida District of GUIIS annually (NPS, 2006). Nests are marked, dated, and watched by staff biologists and volunteers. Data on sea turtle nesting, strandings, and beach location have been collected by FWC staff (FWC, 2009). Figures 11 and 12 depict the sea turtle nesting beaches and strandings along Santa Rosa Island and Perdido Key, respectively. As shown on the figures, documented nesting and stranding locations are outside the action area. The term "stranding" as it relates to sea turtles is defined as sea turtles that are found on the beach either dead or alive (Marine Mammal Stranding Center, 2011).

Atlantic Green Sea Turtle

The Atlantic green sea turtle breeding populations in Florida are federally listed as endangered. The main threat to the Atlantic green sea turtle is long-term harvest of eggs and adults on beaches, and juveniles and adults on feeding grounds (NOAA Fisheries, 2011c). In the Gulf of Mexico, green sea turtles are found in offshore and near-shore waters. Atlantic green sea turtles are herbivorous, feeding mainly on seagrasses and algae. In the southeastern United States, nesting generally occurs between June and September on sandy beaches, including islands. Females nest at approximately two-week intervals, laying an average of five clutches. Eggs hatch approximately two months later. Hatchlings swim to offshore areas, where they live for several years. As the juveniles mature, they return to near-shore foraging grounds, where they become almost exclusively herbivorous (NOAA Fisheries, 2011c).

Atlantic Loggerhead Turtle

The Atlantic loggerhead turtle, federally listed as threatened, is the most abundant sea turtle found in U.S. coastal waters. Main threats to loggerheads include incidental capture in fishing gear and direct harvest in many places of the world. In the southeastern United States, mating occurs between late March and early June, and nesting occurs between late April and early September. Turtles hatch from eggs between late June and mid-November (NOAA Fisheries, 2011c). Loggerheads nest on ocean beaches, generally preferring high-energy, relatively narrow, steeply sloped, coarse-grain beaches. Post-hatchling loggerheads commonly linger for months in waters just off the nesting beach. Eventually juveniles are transported by ocean currents farther offshore. Between the ages of 7 and 12 years, juveniles migrate to near-shore coastal areas and continue maturing to adulthood (NOAA Fisheries, 2011c). The loggerhead turtle is the most common sea turtle to nest in the Florida District of GUIIS (NPS, 2006).

Kemp's Ridley Sea Turtle

Kemp's Ridley sea turtle, federally listed as endangered and the most critically endangered of all five of the listed sea turtle species endemic to the area, is distributed throughout the Gulf of Mexico and U.S. Atlantic seaboard. The main threat to Kemp's Ridley sea turtle is the incidental capture in fishing gear

(NOAA Fisheries, 2011c). Nesting occurs from May to July, with an incubation period of 50 to 60 days. Adult Kemp's Ridley turtles are typically found in near-shore muddy or sand bottom habitats. Their diet

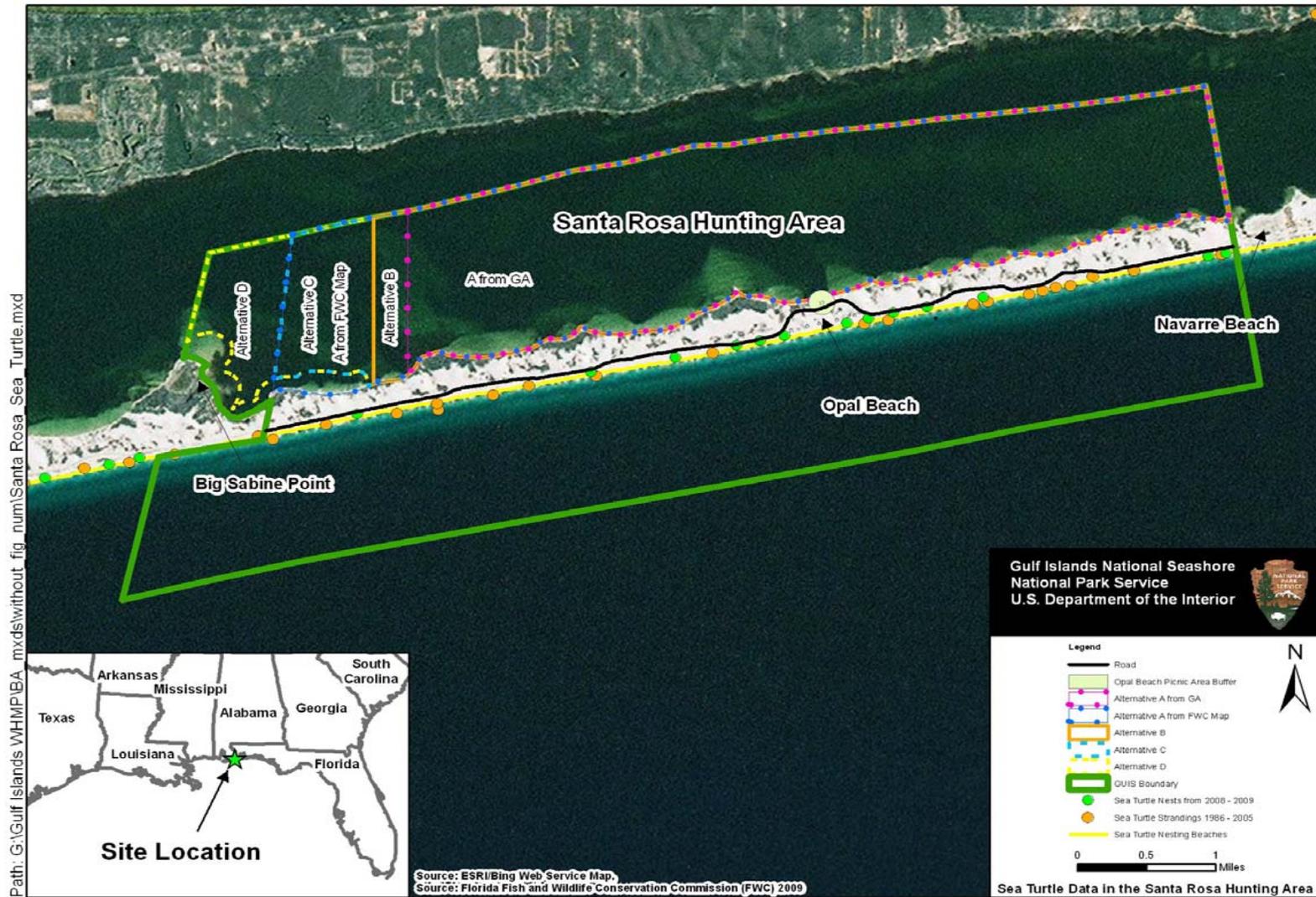


Figure 11 Sea Turtle Data in the Santa Rosa Hunting Area

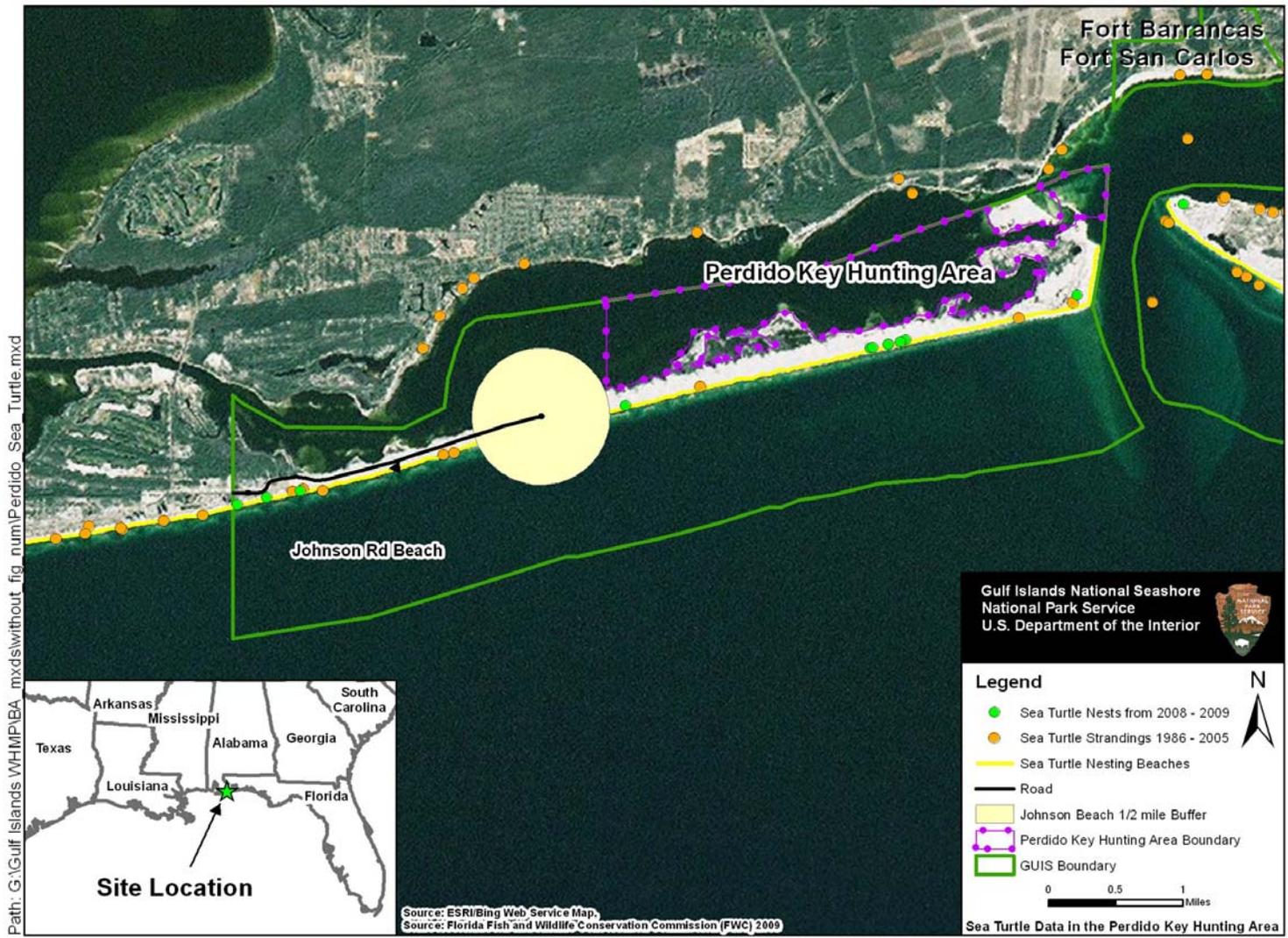


Figure 12 Sea Turtle Data in the Perdido Key Hunting Area

consists mainly of swimming crabs, fish, jellyfish, and mollusks. Post-hatchlings travel offshore to avoid predation in shallow waters. Once the Kemp's Ridley turtle reaches a carapace length of approximately 8 inches, it returns to near-shore waters to feed and develop (NOAA Fisheries, 2011c). This turtle has experienced a dramatic decrease in documented nesting sites over the past 60 years (NOAA Fisheries, 2011c).

Leatherback Sea Turtle

Leatherback sea turtles are federally listed as endangered. Main threats to leatherback turtles are long-term harvest and incidental capture in fishing gear (NOAA Fisheries, 2011c). The leatherback turtle mates in the waters adjacent to nesting beaches and along turtle migratory corridors. Females nest on sandy, tropical beaches several times during a nesting season, which occurs from March to July, typically at 8- to 12-day intervals. Incubation time is approximately 60 to 65 days. Leatherback turtles are common in offshore waters, but also forage in coastal waters. After nesting, females migrate from tropical waters to more temperate waters. Leatherback turtles rarely nest on Santa Rosa Island; however, GUIIS documented its first leatherback nest in 2000 (NPS, 2011).

Hawksbill Sea Turtle

The Hawksbill sea turtle, federally listed as endangered, is circumtropical (worldwide distribution, but likely to occur between the Tropic of Cancer and the Tropic of Capricorn). The main threat to hawksbills is habitat loss of coral reef communities (NOAA Fisheries, 2011c). In the continental United States, nesting is limited to the southeast coast of Florida and the Florida Keys (NOAA Fisheries, 2011c).

Gulf Sturgeon

The Gulf sturgeon, federally listed as a threatened species, inhabits coastal rivers, bays, and the northern Gulf of Mexico from Louisiana to Florida. Adult fish are bottom feeders, eating primarily invertebrates, including brachiopods, insect larvae, mollusks, worms, and crustaceans (NOAA Fisheries, 2011b). The Gulf sturgeon is anadromous and travels to the upper river reaches where they were hatched to spawn. Designated critical habitat essential to the conservation of the Gulf sturgeon include the nearshore waters within 1 nautical mile of the mainland from Pensacola Pass to Apalachicola Bay and the Perdido Key area, and the area north of Santa Rosa Island (USFWS and NOAA Fisheries, 2003). These areas are believed to be important migratory pathways between Pensacola Bay and the Gulf of Mexico for feeding and genetic exchange (USFWS and NOAA Fisheries, 2003). The action area is located within Gulf sturgeon critical habitat.

Smalltooth Sawfish

The smalltooth sawfish, a federally listed endangered species, was formerly common from Texas to North Carolina (NOAA Fisheries, 2011b). Its current distribution is mainly restricted to South Florida and the Keys; adults are uncommon in the Florida panhandle (NOAA Fisheries, 2011b). Juveniles inhabit shallow coastal waters, especially shallow mud banks and mangrove habitats. Very few juveniles have been documented in areas north of the current range of mangroves (*i.e.*, north of 29°N latitude). Adults are found with juveniles but also in deeper water habitat (NOAA Fisheries, 2011b). Critical habitat for the smalltooth sawfish lies between Charlotte Harbor (Ft. Myers area) and the Florida Everglades, outside and south of the action area (NOAA Fisheries, 2011b).

Essential Fish Habitat

Essential fish habitat (EFH) is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (16 USC 1802(10)). EFH occurs in and around GUIIS waters

including for several species of fish and shellfish: brown shrimp (*Penaeus aztecus*), gray snapper (*Lutjanus griseus*), Gulf stone crab (*Menippe adina*), pink shrimp (*Penaeus duorarum*), red drum (*Sciaenops ocellatus*), Spanish mackerel (*Scomberomorus maceulates*), spiny lobster (*Panulirus argus*), and white shrimp (*Penaeus setiferus*) (NOAA Fisheries, 1998). The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. All of Pensacola Bay and waters surrounding GUI are designated as EFH. Therefore, EFH is present throughout the action area.

5. EFFECTS ANALYSIS

The proposed action, including revisions to the hunting boundary using any of the five alternatives, would have no effect to the Perdido Key beach mouse, West Indian manatee, sea turtles, Gulf sturgeon, and smalltooth sawfish, as the small number of hunters and their boats would not represent change in boating activity. Due to the proximity of hunting activities to beach areas, the proposed action, including revisions to the hunting area boundary, would result in an effect determination of May Affect, But Not Likely to Adversely Affect to the piping plover and red knot. The exception would be Alternative E (elimination of hunting) which would have no effect to the piping plover and red knot. Further, the proposed action would not destroy or adversely modify designated critical habitat for the Perdido key beach mouse, piping plover, or Gulf sturgeon.

PERDIDO KEY BEACH MOUSE

Hunters are not allowed on the beaches. Hunting dogs may be on beaches to retrieve game birds only. The Perdido Key beach mouse inhabits the beach and interior vegetated dunes of Perdido Key and is not likely to be of interest to hunting dogs. This species would not be impacted by hunting activities within the action area. Further, as stated in Section 4, any continued waterfowl harvest data collection from the beach would occur below the mean high tide line and below the designated 500-foot critical habitat boundary landward from the mean high tide line. No destruction or adverse modification of designated Perdido Key critical habitat would occur. All alternatives of the proposed action would have no effect on the Perdido Key beach mouse.

RED KNOT

Migrant and wintering red knots may be present at GUI5 during the waterfowl hunting season. A study by Burger *et al.* (2007) of shorebirds and gulls at a migratory stopover in Delaware Bay, New Jersey indicated that the most severe response of shorebirds was to the presence of dogs and that shorebirds are displaced from their foraging beaches by disturbances. Although hunting dogs would be allowed to run off-leash to retrieve waterfowl, the WHMP would require that the use of any hunting dogs would be under strict control by the hunter. Dogs would not be allowed to run freely on the shoreline except to retrieve waterfowl. Although hunting dogs would be allowed to run off-leash to retrieve waterfowl, the WHMP would require that the use of any hunting dogs would be under strict control by the hunter. Dogs would remain mostly with the hunter in the boat or in the water retrieving waterfowl, and minimally venture onto the shoreline, except to avoid wanton waste. FWC (2010) rules discourage the idea of “wanton waste,” where a hunter wounds or kills waterfowl but does not retrieve the birds. Hunting dogs would be allowed to cross the beach to retrieve downed waterfowl to avoid “wanton waste”. Dogs would be transported to and from the hunting areas by boat, as no access to hunting areas would be allowed by land.

Because GUI5 only represents migrating/wintering habitat for the red knot, wintering red knots that may forage near hunting areas may be temporarily disturbed by the hunting activities that would take place in the water below the ordinary high tide line. Under the proposed action, hunting and boating activity during the hunting season would not be a departure from activity that normally occurs. Therefore, the proposed action would not represent an increase in boating activity or potential for disturbance. As a highly mobile species, foraging red knots would likely temporarily shift to other nearby foraging areas when dogs or hunters are present. With the exception of Alternative E, all alternatives of the proposed action may affect, but would not likely adversely affect wintering red knots.

PIPING PLOVER

Piping plovers are generally present in the Santa Rosa area at GUIIS during the waterfowl hunting season. Hunting activity would not be allowed in federally designated critical habitat areas. And to minimize human disturbances (i.e., flushing) to foraging and loafing water birds, a buffer of 100 meters has been recommended (Rogers and Smith, 1997). With all alternatives, which describe the proposed boundary changes for the Santa Rosa Hunting Area, critical habitat for piping plover would be located outside the action area. Further, critical habitat for piping plover is located outside the action area of the Perdido Key Hunting Area. Thus, critical habitat would not be affected by the proposed action.

The waterfowl hunting boundary and any excluded areas would be clearly identified and marked with a landward post that would be visible from hunting areas below the ordinary high tide line. Although hunting dogs would be allowed to run off-leash to retrieve waterfowl, the WHMP would require that the use of any hunting dogs would be under strict control by the hunter. Dogs would remain mostly with the hunter in the boat or in the water retrieving waterfowl, and minimally venture onto the shoreline, except to avoid wanton waste. FWC (2010) rules discourage the idea of “wanton waste,” where a hunter wounds or kills waterfowl but does not retrieve the birds. Hunting dogs would be allowed to cross the beach to retrieve downed waterfowl to avoid “wanton waste”. Dogs would be transported to and from the hunting areas by boat, as no access to hunting areas would be allowed by land.

Wintering piping plovers that may forage near hunting areas may be temporarily disturbed by the hunting activities that would take place in the water below the ordinary high tide line. Under the proposed action, hunting and boating activity during the hunting season would not be a departure from activity that normally occurs. Therefore, the proposed action would not represent an increase in boating activity or potential for disturbance. As a highly mobile species, foraging plovers would likely temporarily shift to other nearby foraging areas when dogs or hunters are present. With the exception of Alternative E, all alternatives of the proposed action may affect, but would not likely adversely affect wintering piping plovers.

Alternative A, Protected Species – Continue Existing Management (No Action)

Analysis. This alternative would result in no change to the existing enforced western boundary of the Santa Rosa Hunting Area. Hunting within GUIIS would remain essentially unchanged. The enforced boundary includes critical piping plover habitat and as such, allowing hunting within critical habitat could potentially disturb piping plover. This alternative may affect but would not likely adversely affect piping plover within designated critical habitat.

Alternatives B1 and B2, Protected Species – Park Boundary Shifted to Avoid Critical Habitat

Analysis. These alternatives clearly define piping plover critical habitat as excluded from the hunting areas. The western boundary of the Santa Rosa Hunting Area would be adjusted to be 100 meters west of the critical habitat boundary for piping plover. These alternatives may affect, but would not likely adversely affect piping plover within designated critical habitat.

Alternatives C1 and C2, Protected Species – Park Boundary Shifted to Coincide with NPS Gate

Analysis. These alternatives would clearly define piping plover critical habitat as excluded from the hunting areas. The western boundary of the Santa Rosa hunting area would be adjusted to be 100 meters north of the critical habitat boundary for piping plover, from the Santa Rosa NPS gate east to 100 meters west of the critical habitat boundary. These alternatives may affect, but would not likely adversely affect piping plover within designated critical habitat.

Alternative D1 and D2, Protected Species – Park Boundary Shifted to Coincide with NPS Water Boundary

Analysis. These alternatives would clearly define piping plover critical habitat as excluded from the hunting areas. The western boundary of the Santa Rosa hunting area would be adjusted to be 100 meters north of the critical habitat boundary for piping plover, from the NPS water boundary at Big Sabine Point east to 100 meters west of the critical habitat boundary. These alternatives may affect, but would not likely adversely affect piping plover within designated critical habitat.

Alternative E, Protected Species – Elimination of Hunting

Analysis. This alternative would result in negligible to minor beneficial impacts to the hunting areas by eliminating hunting, and thus reducing the potential number of boats within the hunting areas. This would result in potentially fewer disturbances to protected species and would ensure that no hunting occurred within piping plover designated critical habitat. However, the park cannot choose this alternative because the enabling legislation will not allow it.

WEST INDIAN MANATEE

Manatees are present in GUIS waters in late spring and summer. It would be unlikely that manatees would be present during late fall and winter when waterfowl hunting is in season at GUIS. Under the proposed action, boating activity during the hunting season would not be a departure from activity that normally occurs. Further, boat speeds would remain low, and no motors would be allowed to be operated over seagrass beds. Therefore, the proposed action would not represent an increase in boating activity or the potential for manatee-boat collisions in the action area. All alternatives of the proposed action would have no effect on the West Indian manatee.

SEA TURTLES

On a seasonal basis, sea turtles are present in GUIS waters in the spring, summer, and fall, and they nest on the beaches within the Florida District of GUIS during the spring and summer months (NPS, 2006). Turtle nesting typically occurs during May through August, with hatching occurring from late July through October (USFWS, 2011b).

It would be highly unlikely that nesting sea turtles would be present during late fall and winter hunting activity. Sea turtles in the Gulf are accustomed to the physical presence of, and sounds produced by, vessels and vessel traffic. They simply dive when approached by a vessel and avoid areas of intensive human activity (NOAA Fisheries, 2002). Under the proposed action, hunting related boating activity would not be a departure from activity that normally occurs. Therefore, vessel strikes of sea turtles or disturbance to sea turtles would be unlikely. The proposed action would not include additional fishing activities; therefore, sea turtle mortality due to entanglement with commercial fishing line or commercial fishing gear was not considered in this analysis. All alternatives of the proposed action would have no effect on listed species of sea turtles.

GULF STURGEON

The Gulf sturgeon, a highly mobile species, would likely avoid any hunting boats and dogs within the action area. Should Gulf sturgeon be present within the action area during hunting season there may be temporary impacts on water quality (turbidity from placement of temporary blinds) as well as noise. Under the proposed action, hunting related boating activity would not be a departure from activity that normally occurs. The proposed action would not represent an increase in the potential for Gulf sturgeon-

boat collisions in the action area. The Gulf sturgeon does not appear to be disturbed by the physical presence of, and sounds produced by, vessels and vessel traffic (NOAA Fisheries, 2009). The action area is located within Gulf sturgeon critical habitat; however, no destruction or adverse modification of designated Gulf sturgeon critical habitat would occur as there would be no effect on feeding and/or genetic exchange. All alternatives of the proposed action would have no effect on the Gulf sturgeon.

SMALLTOOTH SAWFISH

The smalltooth sawfish is a highly mobile species and any adults found within the action area would likely avoid any hunting activity taking place. The action area is located outside the current known range for this species; however, adult smalltooth sawfish may be found within the Pensacola Bay system. The action area is not located within designated critical habitat for this species. In the unlikely event that adult smalltooth sawfish are present near any hunting activity within the action area, noise and activity associated with hunting activities may temporarily disturb smalltooth sawfish through minor, temporary impacts on water quality (turbidity from placement of temporary blinds) and noise. Under the proposed action, hunting related boating activity would not be a departure from activity that normally occurs. The proposed action would not represent an increase for the potential for smalltooth sawfish-boat collisions in the action area. All alternatives of the proposed action would have no effect on the smalltooth sawfish.

ESSENTIAL FISH HABITAT (EFH), SEAGRASS BEDS, AND OUTSTANDING FLORIDA WATERS (OFW)

EFH is present in the waters surrounding GUI. These waters include Pensacola Bay, the Gulf of Mexico, and Santa Rosa Sound. These areas are designated as EFH to minimize adverse effects on habitat caused by fishing and non-fishing activities. The proposed action does not include additional fishing activities. Further, there is no potential to temporarily affect fish habitat and prey abundance in the proposed action area because of substrate displacement. No permanent structures would be constructed in the action area. Placement of temporary blind structures within the action area represents a continuation of existing activity during the hunting season and is not expected to displace the substrate, although there may be a minor, temporary disturbance of substrate. Further, use of native materials in blinds would reduce the likelihood of introducing invasive species. During the hunting season, fish would still be able to forage in the action area, and there would be abundant alternative foraging resources near any hunting activity. All alternatives of the proposed action would have no effect on EFH.

The proposed action would not result in short- or long-term adverse effects to seagrass beds or OFWs surrounding Santa Rosa Island and Perdido Key, because there would be no in-water construction activity associated with the proposed action. Under the proposed action, hunting related boating activity would not be a departure from activity that normally occurs. All alternatives of the proposed action would have no effect on seagrass beds or OFWs.

Section 7 Statement: After applying the criteria of adverse effect contained in Section 7 of the federal ESA (16 USC 1536, 50 CFR 402), NPS concludes that implementation of the WHMP would not have an adverse effect on any federally listed threatened or endangered species. Any additional comments on the project from USFWS, NMFS, FWC, and other interested parties will be addressed in the final compliance documents. Should the need arise, additional mitigation measures will be developed in consultation with USFWS, NMFS, and FWC.

6. TAKE ANALYSIS

No direct take of federally protected species is anticipated due to the implementation of the proposed action.

7. CONSERVATION AND MITIGATION MEASURES

GUI contains unique and important fish and wildlife habitat as well as protected species. In general, the WHMP has measures to reduce or eliminate potential wildlife impacts or other environmental matters of concern associated with the proposed action. The proposed action would have no effect on the Perdido Key beach mouse, West Indian manatee, sea turtles, Gulf sturgeon, and smalltooth sawfish as the small number of hunters and their boats would not represent change in boating activity. Due to the proximity of hunting activities to beach areas, the proposed action, including revisions to the hunting area boundary, would result in an effect determination of May Affect, But Not Likely to Adversely Affect to the piping plover and red knot with the exception of Alternative E which would eliminate hunting and would result in no effect. However, no direct take is anticipated with implementation of the proposed action. Thus, no particular conservation measures are proposed for implementation in this BA.

Section 7 Statement: After applying the criteria of adverse effect contained in Section 7 of the federal ESA (16 USC 1536, 50 CFR 402), NPS concludes that implementation of the WHMP would not have an adverse effect on any federally listed threatened or endangered species. Any additional comments on the project from USFWS, NMFS, FWC, and other interested parties will be addressed in the final compliance documents. Should the need arise, additional mitigation measures will be developed in consultation with USFWS, NMFS, and FWC.

8. DETERMINATION OF EFFECT

Implementation of the ESA often requires an evaluation of the effects of human activity on listed species and their habitats. The potential for hindering the attainment of a properly functioning environment for protected species is an example of one of questions posed by the dichotomous key for making a determination of effect. Potential impediments to a properly functioning environment may include physical barriers, and impacts to water quality, species disturbance, and habitat, for example. The following questions were reviewed and addressed as part of the decision-making process to make the determination of effect:

Are there any proposed/listed species and/or proposed or designated critical habitat near the action area or downstream from the project area?

Answer: Yes.

Does the proposed action have the potential to hinder attainment of relevant properly functioning indicators?

Answer: No.

Does the proposed action have the potential to result in “take” of proposed/listed species or destruction/adverse modification of proposed/designated critical habitat?

Answer: No.

The information available for the proposed action has been analyzed, and it has been concluded that the proposed action would have **no effect** on the Perdido Key beach mouse, West Indian manatee, sea turtles, Gulf sturgeon, and smalltooth sawfish. The proposed action, including revisions to the hunting area boundary, would result in an effect determination of **May Affect, But Not Likely to Adversely Affect** to the piping plover and red knot with the exception of Alternative E which would eliminate hunting and would result in **no effect**. The rationale for the effect determinations is discussed in detail in Section 5.

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APPENDIX A
AGENCY CORRESPONDENCE

National Park Service
Gulf Islands National Seashore

Waterfowl Hunting Management Plan

Biological Assessment

August 4, 2011



U.S. Fish and Wildlife Service
1601 Balboa Avenue
Panama City, Florida 32405
(850) 769-0552 Fax (850) 763-2177

PWS Log No. 4140-2011-1-341

P.K.

This project should have minimal impacts to fish and wildlife resources (16 U.S.C. 661 et seq.) and is not likely to adversely affect any species under the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.).

Donald W. Imm
Dr. Donald W. Imm, Project Leader

Date

8/28/11

Requested confirmation of
NLA when A.H.D. was
Chosen.

Prepared for the U.S. Department of the Interior, National Park Service,
Gulf Islands National Seashore

Prepared by:
AMEC E&I, Inc.
Kennesaw, Georgia

Responsible Agencies:
Florida Fish and Wildlife Conservation Commission
U.S. Fish and Wildlife Service

National Oceanic and Atmospheric Administration, National Marine Fisheries Service



U.S. Fish and Wildlife Service
1601 Balboa Avenue
Panama City, Florida 32405
(850) 769-0552 Fax (850) 763-2177

PWS Log No. 4140-2011-1-341
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Donald W. Imm
Dr. Donald W. Imm, Project Leader

Date

9/1/11

From: Eric G. Hawk [Eric.Hawk@noaa.gov]
Sent: Thursday, August 04, 2011 4:05 PM
To: Flock, Elaine
Subject: Re: GUIS WHMP BA
Attachments: eric_hawk.vcf

Hello Ms. Flock,

Thank you for your recent e-mail correspondence. According to the BA provided, you have concluded that "the proposed action would have **no effect** on the Perdido Key beach mouse, West Indian manatee, **sea turtles, Gulf sturgeon, and smalltooth sawfish**. Accordingly, since you, acting on behalf of NPS, have made a no-effect determination, NMFS' notification and concurrence is not required, and no further ESA Section 7 consultation is required with the NMFS for the proposed Management Plan. This concludes you ESA Section 7 responsibilities with NMFS for the proposed activity.

Sincerely,
Eric Hawk.

Flock, Elaine wrote:
Mr. Hawk,

On behalf of the National Park Service, Gulf Islands National Seashore, please find attached the Biological Assessment for the proposed Waterfowl Hunting Management Plan. A letter requesting your review and concurrence is also attached. If you have any questions or need additional information, please contact Jolene Williams at GUIS (228-230-4132).

Thank you,
Elaine

Elaine Flock | Project Scientist
AMEC E&I, Inc.

3200 Town Point Drive NW, Suite 100
Kennesaw, Georgia 30144
P: 770.421.3395 | F: 770.421.3486



IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563



N7617 (GUIS-S&RM)

February 4, 2011

Diane Eggeman, Director
Division of Hunting and Game Management
Florida Fish and Wildlife Conservation Commission
620 South Meridian, Farris Bryant Building
Tallahassee, FL 32399

Dear Ms. Eggeman:

This letter is to acknowledge the beginning of the Waterfowl Hunting Management Plan and Environmental Analysis (WHMP) for Gulf Islands National Seashore (GUIS) to replace the 2009 General Agreement between The National Park Service (NPS) and the Florida Fish and Wildlife Conservation Commission (FLFWC). We are looking forward to partnering with your agency and the U.S. Fish and Wildlife Service (USFWS) on the development of an Environmental Assessment and Waterfowl Hunting Management Plan for GUIS. This plan will replace the current multi-year General Agreement between our agencies that provides management for waterfowl hunting on NPS lands.

Our kick-off meeting is scheduled for February 9-10, 2011, at the GUIS Headquarters Building in Gulf Breeze, Florida. The first day of the meeting will be between the Park, your representative (s), and our contractor MACTEC, with goals to: 1) further develop an outline of the planning process; 2) identify preliminary management alternatives; and 3) identify specific task assignments and a timeline to complete the project. On February 10, the USFWS representative will join us and, after first initiating discussion about Section 7 Threatened and Endangered Species Act applications to the WHMP, we will spend the majority of the day in a boat visiting the two designated waterfowl hunting areas at GUIS on Santa Rosa Island and Perdido Key, as well as talking about on-the-ground boundaries. Please ensure that any staff from the FLFWC participating in the meeting and site visit on February 10 comes prepared with sunscreen, water, and a bag lunch.

**TAKE PRIDE
IN AMERICA** 

Should you have any questions or need additional information about this project, please contact GUIS Environmental Protection Specialist and Project Lead Jolene Williams by calling 228-230-4132 or by email at jolene_williams@nps.gov. We look forward to working with the FLFWC in this joint planning effort and developing a comprehensive WHMP.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel R. Brown", with a long horizontal flourish extending to the right.

Daniel R. Brown
Superintendent

cc:

Joe Benedict, FLFWC



IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563



N7617 (GUIS-S&RM)

February 4, 2011

Donald W. Imm
Project Leader
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405

Dear Mr. Imm:

This letter is to acknowledge the beginning of the planning process to develop a comprehensive Waterfowl Hunting Management Plan and Environmental Analysis (WHMP) for Gulf Islands National Seashore (GUIS). The WHMP is intended to replace the 2009 General Agreement between The National Park Service (NPS) and the Florida Fish and Wildlife Conservation Commission (FLFWC). We are looking forward to partnering with your agency and the FLFWC on the development of an Environmental Assessment and WHMP for GUIS. This plan will replace the current multi-year General Agreement between the NPS and FLFWC that provides management for waterfowl hunting on NPS lands.

Our kick-off meeting is scheduled for February 9-10, 2011, at the GUIS Headquarters Building in Gulf Breeze, Florida. The first day of the meeting will be between the Park and representative (s) from the FLFWC and our contractor MACTEC, with goals to: 1) further develop an outline of the planning process; 2) identify preliminary management alternatives; and 3) identify specific task assignments and a timeline to complete the project. On February 10 when your representative from the USFWS, Ms. Patty Kelly, joins us we expect to initiate discussion about Section 7 Threatened and Endangered Species Act applications to the WHMP followed by spending the majority of the day in a boat visiting the two designated waterfowl hunting areas at GUIS on Santa Rosa Island and Perdido Key. We also will be discussing on-the-ground boundaries that currently delineate the designated waterfowl hunting boundaries. Please ensure that any staff from the USFWS participating in the meeting and site visit on February 10 comes prepared with sunscreen, water, and a bag lunch.

TAKE PRIDE
IN AMERICA 

Should you have any questions or need additional information about this project, please contact GUIS Environmental Protection Specialist and Project Lead Jolene Williams by calling 228-230-4132 or by email at jolene_williams@nps.gov. We look forward to working with the USFWS in this planning effort and developing a comprehensive WHMP.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel R. Brown". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel R. Brown
Superintendent

cc:

Patty Kelly, USFWS

Flock, Elaine

From: Flock, Elaine
Sent: Friday, June 10, 2011 4:17 PM
To: 'Patricia_Kelly@fws.gov'
Subject: Informal Consultation Request - GUIS Waterfowl Hunting Management Plan
Attachments: Site_Location_Combined.jpg; image001.png

Ms. Kelly,

As you are aware, the National Park Service (NPS) Gulf Islands National Seashore (GUIS) is initiating an environmental assessment (EA), in accordance with NPS regulations for compliance with the National Environmental Policy Act (NEPA) to evaluate the development and implementation of a Waterfowl Hunting Management Plan (WHMP) in two hunting areas within the Florida District of the GUIS. The primary objective for preparing a WHMP is that it would provide better management tools than the existing General Agreement between the State of Florida and GUIS, and it would be in place for a longer period (10-20 years).

The EA would focus on the Perdido Key and Santa Rosa areas at GUIS (see attached figure). Certain areas would be excluded from waterfowl hunting including: 150 yards east and west of the Opal Beach picnic area at the Santa Rosa area; approximately one-half mile east of the terminus of Johnson Beach Road and visitor facilities at the Perdido Key area; and areas designated as critical habitat by the U.S. Fish and Wildlife Service (USFWS) for the protection of federally listed threatened or endangered shorebird species, including the piping plover.

The NPS is also concurrently preparing a Biological Assessment (BA) in accordance with Section 7 of the Endangered Species Act. Please provide a current list of federally listed threatened or endangered species, candidate species, or proposed listed species that might occur in the locality mentioned above, and designated critical habitats, if any, for these species, as well as species of particular concern to USFWS. In addition, I invite you to contact me directly at your earliest convenience with your initial concerns and comments so that we may ensure that important biological resources are fully considered in the preparation of the BA and EA.

Thank you,
Elaine

Elaine Flock | Project Scientist
MACTEC Engineering and Consulting, Inc.
3200 Town Point Drive NW, Suite 100
Kennesaw, Georgia 30144
P: 770.421.3395 | F: 770.421.3486





March 7, 2011

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and Wildlife
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MyFWC.com

Mr. Daniel R. Brown
Superintendent
United States Department of the Interior
National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563

Dear Mr. Brown:

Thank you for your letter of acknowledgement regarding the Waterfowl Hunting Management Plan and Environmental Analysis for Gulf Islands National Seashore. We look forward to partnering with you and the U.S. Fish and Wildlife Service to develop this Plan and provide for long term management of waterfowl and hunting on these National Park Service (NPS) lands.

Our Waterfowl Management Program Coordinator, Joe Benedict, is our representative for this project. He recently attended the kick-off meeting in Gulf Breeze and had very positive things to report.

Once again, we appreciate the opportunity to promote waterfowl hunting on NPS lands.

Sincerely,

Diane R. Eggeman, Director
Division of Hunting and Game Management

dre/ka

cc: Joe Benedict



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Field Office

1601 Balboa Avenue

Panama City, FL 32405-3721

Tel: (850) 769-0552

Fax: (850) 763-2177

July 7, 2011

Ms. Elaine Flock, Project Scientist
MACTEC Engineering and Consulting, Inc.
3200 Town Point Drive NW, Suite 100
Kennesaw, Georgia 30144

Re: FWS No. 2011-SL-0341
GUIS Waterfowl Hunting
Management Plan
Escambia County, Florida

Dear Ms. Flock:

This letter acknowledges the U. S. Fish & Wildlife Service's (Service) receipt of your e-mail dated June 10, 2011, requesting assistance with respect to federally listed species for this project. This response is provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and Section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

To assist you with your further studies of the project, we are enclosing tables of threatened, endangered, and other special status species and their habitats for Escambia County, Florida. Regardless of the status of the species appearing in the table, we encourage their conservation during project planning. Conservation now may help avoid a need to list them in the future. The table is a combination of species occurrence and habitat information developed by the Florida Natural Areas Inventory (FNAI), and species status data compiled by the Florida Fish and Wildlife Conservation Commission (FWCC), formerly the Florida Game and Fresh Water Fish Commission.

The FNAI is a statewide database housing extensive information on the occurrence and quality of rare and endangered species and high quality natural communities in Florida. The FNAI can be contacted at 1018 Thomasville Road, Suite 200-C, Tallahassee, Florida 32303, (850) 224-8207.

The FWCC may have additional information on State-listed species and important habitats. The FWCC Environmental Services Division is located at 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850) 488-6661. For site-specific information, we suggest coordinating with the FNAI and the FWCC.

Section 7(a)(2) of the Act requires Federal agencies to ensure that their actions do not jeopardize the continued existence of listed species, or destroy or adversely modify critical habitat. The Federal agency (or its designee) responsible for authorizing, funding, or implementing an action is required to determine whether listed species, proposed species, critical habitat, or proposed critical habitat may be present in the area that would be influenced by that action. If such species or habitat may be present, the Federal agency is required to determine whether the action may directly, indirectly, and/or cumulatively affect such species or habitat.

To make such a determination, the following information should be considered and summarized in a biological information report:

1. The results of an on-site inspection of the areas affected by the action.
2. The views of recognized experts on the species at issue.
3. A review of the literature and other information.
4. An analysis of the effects of the action on the species and habitat, including consideration for the cumulative effects, and the results of any related studies.
5. An analysis of alternative actions considered by the Federal agency for the proposed action.

If the proposed action potentially involves listed species or critical habitat, the Federal agency must consult with the Service. Consultation can be informal or formal. It may be concluded informally if an action can be implemented in a way that is not likely to adversely affect listed species or critical habitat. Coordination with the Service to explore this possibility is encouraged.

If a determination is made that listed species or critical habitat may be adversely affected, the Federal agency must request, in writing, formal consultation with the Service. If the proposed action is likely to jeopardize the continued existence of proposed species or result in the destruction or adverse modification of proposed critical habitat, the Federal agency must confer with the Service.

If the Federal agency determines that no listed species, proposed species, critical habitats or proposed critical habitats occur in the area of project influence, the project is not likely to adversely affect such species or habitats, or there would be no effect on such species or habitats, this office requests the opportunity to review the information on which such a determination is based, and to concur with that determination. Section 7(d) of the Act underscores the requirement that the Federal agency and permit or license applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable alternatives regarding their actions on listed species.

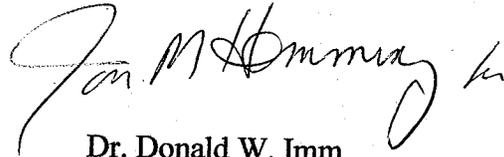
Ms Flock

3

To further assist you in analyzing the effects of this project, we are enclosing "*Suggested Contents for Biological Evaluations and Biological Assessments.*" This document offers more detailed guidance on what kind of information is needed to properly evaluate the impact of a project on listed species. Your biological evaluation or biological assessment should conclude with a determination of effect from your project on species protected by the Act.

Thank you for providing us with the opportunity to comment on this project. Please contact Patty Kelly of this office at extension 228 for additional information and coordination.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don W. Imm".

Dr. Donald W. Imm
Project Leader

Enclosures:

Escambia County Species List

Suggested Contents for Biological Evaluations and Biological Assessments

FEDERAL THREATENED, ENDANGERED, AND OTHER SPECIES OF CONCERN LIKELY TO OCCUR IN ESCAMBIA COUNTY FLORIDA

Compiled by U.S. Fish and Wildlife Service April 2011

Common Name	Scientific Name	Status State	Status FWS	Natural Communities
FISH:				
Gulf sturgeon	<i>Acipenser oxyrinchus desotoi</i>	SSC	T CH	ESTUARINE: various habitats MARINE: various habitats RIVERINE: alluvial and blackwater streams
AMPHIBIANS & REPTILES:				
Reticulated flatwoods salamander	<i>Ambystoma bishopi</i>	SSC	E CH	PALUSTRINE: wet flatwoods, dome swamp, basin swamp, ruderal TERRESTRIAL: mesic flatwoods (reproduces in ephemeral wetlands within this community)
Loggerhead turtle	<i>Caretta caretta</i>	T	T	TERRESTRIAL: sandy beaches; nesting MARINE: open water
Green turtle	<i>Chelonia mydas</i>	E	E	TERRESTRIAL: sandy beaches; nesting MARINE: open water
Leatherback turtle	<i>Dermochelys coriacea</i>	E	E	TERRESTRIAL: sandy beaches; nesting MARINE: open water
Eastern indigo snake	<i>Drymarchon corais couperi</i>	T	T	ESTUARINE: tidal swamp PALUSTRINE: hydric hammock, wet flatwoods TERRESTRIAL: mesic flatwoods, upland pine forest, sandhills, scrub, scrubby flatwoods, rockland hammock, ruderal
Hawksbill turtle	<i>Eretmochelys imbricata imbricata</i>	E	E	MARINE: open water; no nesting
Kemp's ridley turtle	<i>Lepidochelys kempii</i>	E	E	TERRESTRIAL: sandy beaches; nesting MARINE: open water
BIRDS:				
Red knot	<i>Calidris canutus</i>		C	ESTUARINE: exposed unconsolidated substrate MARINE: exposed unconsolidated substrate TERRESTRIAL: dunes, sandy beaches, and inlet areas. Mostly wintering and migrants.
Piping plover	<i>Charadrius melodus</i>	T	T CH	ESTUARINE: exposed unconsolidated substrate MARINE: exposed unconsolidated substrate TERRESTRIAL: dunes, sandy beaches, and inlet areas. Mostly wintering and migrants.
Bald eagle	<i>Haliaeetus leucocephalus</i>		BGEPA	ESTUARINE: marsh edges, tidal swamp, open water LACUSTRINE: swamp lakes, edges PALUSTRINE: swamp, floodplain RIVERINE: shoreline, open water TERRESTRIAL: pine and hardwood forests, clearings
Wood stork	<i>Mycteria americana</i>	E	E	ESTUARINE: marshes LACUSTRINE: floodplain lakes, marshes (feeding), various PALUSTRINE: marshes, swamps, various
Red-cockaded	<i>Picoides borealis</i>	SSC	E	TERRESTRIAL: mature pine forests

E=endangered, T=threatened, P=proposed, C=candidate, s/a=similar appearance, SSC=species of special concern, ce=consideration encouraged, CH=Critical Habitat, BGEPA=Bald and Golden eagle protection act

This is not an exhaustive list of where species do occur, but a guide to indicate areas that might require surveys if appropriate habitat exists. Please contact Florida Natural Areas Inventory (850-224-8207) for additional species location information.

FEDERAL THREATENED, ENDANGERED, AND OTHER SPECIES OF CONCERN LIKELY TO
OCCUR IN ESCAMBIA COUNTY FLORIDA

Compiled by U.S. Fish and Wildlife Service April 2011

Common Name	Scientific Name	Status State	Status FWS	Natural Communities
woodpecker				
MAMMALS:				
Perdido Key beach mouse	<i>Peromyscus polionotus trissyllepsis</i>	E	E CH	TERRESTRIAL: beach dune, coastal scrub. Sites: Perdido Key State Rec. Area (CH), Gulf Islands National Seashore (CH).
West Indian manatee	<i>Trichechus manatus latirostris</i>	E	E	ESTUARINE: submerged vegetation, open water MARINE: open water, submerged vegetation RIVERINE: alluvial stream, blackwater stream, spring-run stream
INVERTEBRATES:				
Narrow pigtoe (mussel)	<i>Fusconaia escambia</i>		C	RIVERINE: small to medium-sized creeks and rivers with slow to moderate current over gravel, and gravel mixed with sand or some silt. Endemic to the Escambia and Yellow River drainages of Alabama and Florida
Round ebonyshell (mussel)	<i>Fusconaia rotulata</i>		C	Riverine: Endemic and restricted to the main channel of the Conecuh River AL, and Escambia River, FL
Fuzzy pigtoe (mussel)	<i>Pleurobema strodeanum</i>		C	Riverine: small to medium-sized creeks and rivers with slow to moderate currents in sand and sand with some silt. Endemic to the Escambia, Yellow, and Choctawhatchee River drainages of Alabama and Florida.
Choctaw bean (mussel)	<i>Villosa choctawensis</i>		C	Riverine: Small to large creeks and rivers with moderate current over sand to silty-sand substrates. Endemic to the Escambia, Yellow, and Choctawhatchee River drainages of Alabama and Florida.

E=endangered, T=threatened, P=proposed, C=candidate, s/a=similar appearance, SSC=species of special concern, ce=consideration encouraged, CH=Critical Habitat, BGEPA=Bald and Golden eagle protection act

This is not an exhaustive list of where species do occur, but a guide to indicate areas that might require surveys if appropriate habitat exists. Please contact Florida Natural Areas Inventory (850-224-8207) for additional species location information.



United States Department of Interior
Fish and Wildlife Service

Project name: GUIS WHMP

Official Species-list: *GUIS WHMP*

Panama City Ecological Services Field Office

Following is an official U.S. Fish and Wildlife Service species-list from the Panama City Ecological Services Field Office. The species-list identifies listed and proposed species and designated and proposed critical habitat that may be affected by the project "GUIS WHMP". You may use this list to meet the requirements of section 7(c) of the Endangered Species Act of 1973, as amended (ESA).

This species-list has been generated by the Service's on-line Information, Planning, and Conservation (IPaC) decision support system based on project type and location information you provided on April 26, 2011, 2:11 PM. This information is summarized below.

Please reference our tracking number, 41410-2011-SLI-0303, in future reference to this project to assist in expediting the process.

Newer information based on updated surveys, changes in the abundance and distribution of listed species, changed habitat conditions, or other factors could change this list. Please feel free to contact the office(s) identified below if you need more current information or assistance regarding the potential presence of federally proposed, listed, or candidate species, or proposed or designated critical habitat. Please note that under the ESA, a species-list is valid for 90 days. Therefore, the Service recommends that you visit the IPaC site at regular intervals during project planning and implementation for updates to species-lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive this list. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This list below only addresses federally proposed, listed, or candidate species and federally designated critical habitat. Please contact the appropriate State agencies for information regarding State species of special designation. Also, please feel free to contact the office(s) identified below if you would like information on other important trust resources (such as migratory birds) in your project area.



United States Department of Interior
Fish and Wildlife Service

Project name: GUI5 WHMP

This Species-list document is provided by:

PANAMA CITY ECOLOGICAL SERVICES FIELD OFFICE

1601 BALBOA AVENUE

PANAMA CITY, FL 32405

(850) 769-0552

<http://www.fws.gov/panamacity/specieslist.html>

<http://www.fws.gov/panamacity/pcdata.html>

TAILS consultation code: 41410-2011-SLI-0303

Project type: Land - Management Plans



United States Department of Interior
Fish and Wildlife Service

Project name: GUIS WHMP

Project counties: Escambia, FL | Santa Rosa, FL



Endangered Species Act Species-list

Eastern Indigo snake (*Drymarchon corais couperi*)

Listing Status: Threatened

Florida Perforate cladonia (*Cladonia perforata*)

Listing Status: Endangered

Green sea turtle (*Chelonia mydas*)

Population: FL, Mexico nesting pops.

Listing Status: Endangered

Gulf sturgeon (*Acipenser oxyrinchus desotoi*)

Listing Status: Threatened

Critical Habitat: Final designated

Hawksbill sea turtle (*Eretmochelys imbricata*)

Listing Status: Endangered

Kemp's Ridley sea turtle (*Lepidochelys kempii*)

Listing Status: Endangered

Leatherback sea turtle (*Dermochelys coriacea*)

Listing Status: Endangered

Loggerhead sea turtle (*Caretta caretta*)

Listing Status: Threatened

Perdido Key Beach mouse (*Peromyscus polionotus trissyllepsis*)

Listing Status: Endangered

Critical Habitat: Final designated

Piping Plover (*Charadrius melodus*)

Population: except Great Lakes watershed

Listing Status: Threatened

Critical Habitat: Final designated

Red-Cockaded woodpecker (*Picoides borealis*)

Listing Status: Endangered

Reticulated flatwoods salamander (*Ambystoma bishopi*)

Listing Status: Endangered



United States Department of Interior
Fish and Wildlife Service

Project name: GUIS WHMP

Critical Habitat: Final designated

West Indian manatee (*Trichechus manatus*)

Listing Status: Endangered

Wood stork (*Mycteria americana*)

Population: AL, FL, GA, SC

Listing Status: Endangered

Flock, Elaine

From: calusa horn [Calusa.Horn@noaa.gov]
Sent: Monday, June 13, 2011 9:14 AM
To: Flock, Elaine
Subject: Re: Informal Consultation Request - GUIs Waterfowl Hunting Management Plan
Attachments: ATT00001..png; calusa_horn.vcf

Hi Elaine,

I have attached a web link (below) which has all NMFS species lists available for pdf download. For any future inquiries please contact Teletha Mincey (Teletha.Mincey@noaa.gov).

NMFS threatened and endangered species list: <http://sero.nmfs.noaa.gov/pr/esa/specieslst.htm>

Thank you,
Calusa

On 6/10/2011 4:11 PM, Flock, Elaine wrote:

Ms. Horn,

The National Park Service (NPS) Gulf Islands National Seashore (GUIs) is initiating an environmental assessment (EA), in accordance with NPS regulations for compliance with the National Environmental Policy Act (NEPA) to evaluate the development and implementation of a Waterfowl Hunting Management Plan (WHMP) in two hunting areas within the Florida District of the GUIs. The primary objective for preparing a WHMP is that it would provide better management tools than the existing General Agreement between the State of Florida and GUIs, and it would be in place for a longer period (10-20 years).

The EA would focus on the Perdido Key and Santa Rosa areas at GUIs (see attached figure). Certain areas would be excluded from waterfowl hunting including: 150 yards east and west of the Opal Beach picnic area at the Santa Rosa area; approximately one-half mile east of the terminus of Johnson Beach Road and visitor facilities at the Perdido Key area; and areas designated as critical habitat by the U.S. Fish and Wildlife Service for the protection of federally listed threatened or endangered shorebird species, including the piping plover.

The NPS is also concurrently preparing a Biological Assessment (BA) in accordance with Section 7 of the Endangered Species Act. Please provide a current list of federally listed threatened or endangered species, candidate species, or proposed listed species that might occur in the locality mentioned above, and designated critical habitats, if any, for these species, as well as marine species of particular concern to NOAA. In addition, I invite you to contact me directly at your earliest convenience with your initial concerns and comments so that we may ensure that important biological resources are fully considered in the preparation of the BA and EA.

Thank you,

Elaine

Elaine Flock | Project Scientist
MACTEC Engineering and Consulting, Inc.
3200 Town Point Drive NW, Suite 100
Kennesaw, Georgia 30144
P: 770.421.3395 | F: 770.421.3486



Flock, Elaine

From: Teletha Mincey [Teletha.Mincey@noaa.gov]
Sent: Monday, June 13, 2011 10:30 AM
To: Flock, Elaine
Cc: Bourdeau, Jonathan; Eric Hawk
Subject: Re: Informal Consultation Request - GUIIS Waterfowl Hunting Management Plan
Attachments: BA GUIDE-INITGUIDE COMBO_April 23, 2007.doc

Hello Elaine,

Endangered Species Act (ESA) Section 7 consultation is between federal agencies. If MACTEC is acting as the designated non-Federal representative for NPS for the proposed action, please submit a copy of the designation letter to NMFS so that we may proceed with consultation. Moreover, if NPS or its designated representative believes that aspects of the proposed action may affect listed species or designated critical habitat under NMFS' purview, it must analyze these effects and make an effects determination, then it must request NMFS' concurrence with its conclusions in a letter to PRD requesting initiation of ESA section 7 consultation. Conversely, if NPS or its designated representative evaluates the proposed action and conclude that the proposed action will have "no-effect" on listed species or critical habitat designated under the ESA under NMFS' purview, that concludes ESA section 7 responsibilities; NPS does not need to seek NMFS' comments or concurrence with their "no-effect" determination.

I have attached guidelines for effects analyses and preparation of biological assessments (BA). Please submit your BA, along with your "designation letter," directly to me, via e-mail, with a CC to Eric.Hawk@noaa.gov. Thank you.

Teletha

Flock, Elaine wrote:

>
> Teletha,
>
> Please see the email chain below. I'd appreciate any feedback you
> could offer at this time while we are developing the draft BA and EA.
> Please let me know if you have any questions - feel free to call me at
> 770-421-3395.
>
> Thank you,
>
> Elaine
>
> *From:* calusa horn [<mailto:Calusa.Horn@noaa.gov>]
> *Sent:* Monday, June 13, 2011 9:14 AM
> *To:* Flock, Elaine
> *Subject:* Re: Informal Consultation Request - GUIIS Waterfowl Hunting
> Management Plan
>
> Hi Elaine,
> I have attached a web link (below) which has all NMFS species lists
> available for pdf download. For any future inquires please contact
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> NMFS threatened and endangered species list:

> <http://sero.nmfs.noaa.gov/pr/esa/specieslst.htm>

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> Thank you,
> Calusa

>
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> and Wildlife Service for the protection of federally listed threatened
> or endangered shorebird species, including the piping plover.

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> The NPS is also concurrently preparing a Biological Assessment (BA) in
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> particular concern to NOAA. In addition, I invite you to contact me
> directly at your earliest convenience with your initial concerns and
> comments so that we may ensure that important biological resources are
> fully considered in the preparation of the BA and EA.

>
> Thank you,
>
> Elaine

>
> *Elaine Flock | Project Scientist*
> *MACTEC Engineering and Consulting, Inc.* 3200 Town Point Drive NW,
> Suite 100 Kennesaw, Georgia 30144
> P: 770.421.3395 *|* F: 770.421.3486

>
> <cid:image001.jpg@01CC2685.0822B560>

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Teletha Mincey
Program Analyst
NOAA Fisheries
Southeast Region
263 13th Ave S

St. Petersburg, FL 33701-5505
(727) 551-5772 - Direct Line
(727) 824-5309 - Fax



Endangered and Threatened Species and Critical Habitats
under the Jurisdiction of the NOAA Fisheries Service

Florida-Gulf

Listed Species	Scientific Name	Status	Date Listed
Marine Mammals			
blue whale	<i>Balaenoptera musculus</i>	Endangered	12/02/70
finback whale	<i>Balaenoptera physalus</i>	Endangered	12/02/70
humpback whale	<i>Megaptera novaeangliae</i>	Endangered	12/02/70
sei whale	<i>Balaenoptera borealis</i>	Endangered	12/02/70
sperm whale	<i>Physeter macrocephalus</i>	Endangered	12/02/70
Turtles			
green sea turtle	<i>Chelonia mydas</i>	Threatened ¹	07/28/78
hawksbill sea turtle	<i>Eretmochelys imbricata</i>	Endangered	06/02/70
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	Endangered	12/02/70
leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered	06/02/70
loggerhead sea turtle	<i>Caretta caretta</i>	Threatened	07/28/78
Fish			
Gulf sturgeon	<i>Acipenser oxyrinchus desotoi</i>	Threatened	09/30/91
smalltooth sawfish	<i>Pristis pectinata</i>	Endangered	04/01/03
Invertebrates			
elkhorn coral	<i>Acropora palmata</i>	Threatened	5/9/06
staghorn coral	<i>Acropora cervicornis</i>	Threatened	5/9/06

Designated Critical Habitat

Gulf Sturgeon: A final rule designating Gulf sturgeon critical habitat was published on March 19, 2003 (68 FR 13370) and 14 geographic areas (units) among the Gulf of Mexico Rivers and tributaries were identified. Maps and details regarding the final rule can be found at alabama.fws.gov/gs

Elkhorn and Staghorn Corals: All waters in the depths of 98 ft (30 m) and shallower to the mean low water line surrounding the Dry Tortugas, Florida. Within these specific areas, the essential feature consists of natural consolidated hard substrate or dead coral skeleton that are free from fleshy or turf macroalgae cover and sediment cover. Maps and details regarding coral critical habitat can be found at:

<http://sero.nmfs.noaa.gov/pr/esa/acropora.htm>

¹ Green turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific Coast of Mexico, which are listed as endangered.



Florida-Gulf

Smalltooth Sawfish: A final rule designating smalltooth sawfish critical habitat was published on September 2, 2009 (74 FR 45353). Critical habitat consists of two coastal habitat units: the Charlotte Harbor Estuary Unit and the Ten Thousand Islands/Everglades Unit. Maps and details regarding the smalltooth sawfish critical habitat rule can be found at: <http://sero.nmfs.noaa.gov/pr/SmalltoothSawfish.htm>

Species Proposed for Listing

None

Candidate Species ²	Scientific Name
largetooth sawfish	<i>Pristis pristis</i>

Species of Concern ³	Scientific Name
Fish	
Alabama shad	<i>Alosa alabamae</i>
dusky shark	<i>Carcharhinus obscurus</i>
largetooth sawfish	<i>Pristis pristis</i>
night shark	<i>Carcharhinus signatus</i>
saltmarsh topminnow	<i>Fundulus jenkinsi</i>
sand tiger shark	<i>Carcharias taurus</i>
speckled hind	<i>Epinephelus drummondhayi</i>
Warsaw grouper	<i>Epinephelus nigritus</i>
Invertebrates	
ivory bush coral	<i>Oculina varicosa</i>

² The Candidate Species List has been renamed the Species of Concern List. The term "candidate species" is limited to species that are the subject of a petition to list and for which NOAA Fisheries Service has determined that listing may be warranted (69 FR 19975).

³ Species of Concern are not protected under the Endangered Species Act, but concerns about their status indicate that they may warrant listing in the future. Federal agencies and the public are encouraged to consider these species during project planning so that future listings may be avoided.