



**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

**NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office

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**JUL 30 2014**

F/SER31:JBH

SER-2014-13101

MEMORANDUM FOR: F/HC3 – Leslie Craig

FROM: *for* F/SE – Roy E. Crabtree, Ph.D. *Miles M. Cronin*

SUBJECT: DWH-ERP, Florida Apalachicola River Wildlife and Environmental Area Fishing and Wildlife Viewing Access Improvements, Cash Bayou, Franklin County, Florida

This memorandum responds to the National Oceanic and Atmospheric Administration (NOAA) Restoration Center's letter of February 10, 2014, requesting National Marine Fisheries Service (NMFS) concurrence under Section 7 of the Endangered Species Act (ESA) with the project-effects determinations for the construction of a fishing and wildlife observation pier. You determined that the proposed activities are not likely to adversely affect sea turtles and Gulf sturgeon. The project is not located in any designated critical habitats. NMFS requested additional information via email on February 20, 2014. We received the response on March 13, 2014, and we initiated consultation that day. NMFS's findings on the project's potential effects are based on the project description in this response; thus any changes to the proposed action may negate the findings of this consultation and may require reinitiation of the consultation with NMFS.

*Deepwater Horizon Oil Spill Early Restoration*

Under the Oil Pollution Act, designated agencies of the federal government and affected state governments act as trustees on behalf of the public. The Trustees are charged with recovering damages from the responsible parties to restore the public's natural resources that sustained injuries. NOAA shares trusteeship with the other natural resource trustees over all of the resources that will benefit from these restoration actions. The Trustees developed the Early Restoration selection process to be responsive to the purpose and need for conducting Early Restoration. Early Restoration project selection is a step-wise process comprised of: (1) project solicitation; (2) project screening; (3) negotiation with BP; and (4) public review and comment.

The Trustees released a Phase I Early Restoration Plan (ERP) in April 2012, a Phase II ERP in December 2012, and a draft Phase III ERP on May 6, 2013. On June 26, 2014, the Trustees released a final Phase III Plan. These plans contain a series of restoration actions that may be selected independently by the Trustees. NMFS has previously completed consultations on the Phase I ERP projects and 28 of the projects included in the Phase III ERP.<sup>1</sup>

<sup>1</sup> Neither of the Phase II ERP projects involve in-water work and, therefore, NMFS did not receive a request for section 7 consultation.

The Phase I ERP consists of 8 projects that address an array of injuries and are located throughout the Gulf (See Appendix 1). Specifically, Phase I includes 2 oyster projects (1 in Louisiana and 1 in Mississippi), 2 marsh projects (1 in Louisiana and 1 in Alabama), a nearshore artificial reef project in Mississippi, 2 dune projects, and a boat ramp enhancement project in Florida. Consultations on the Phase I projects were completed on April 2, 2012. NMFS determined that one of the marsh projects and both dune projects would have no effect on listed species and that other projects are not likely to adversely affect listed species or designated critical habitat under NMFS's purview. NMFS evaluated potential impacts on listed species (5 species of sea turtles, Gulf sturgeon and smalltooth sawfish) from placement of material, site exclusion, and dredging, and determined that these effects will be discountable or insignificant because of the species' mobility and ability to find suitable habitat for foraging in the surrounding areas. NMFS also evaluated potential impacts to sea turtles and Gulf sturgeon from fishing activities associated with the artificial reef project and determined that the effects are discountable because the enhancement of the existing artificial reefs is not expected to induce new fishing effort or increase the risk of harmful interactions between recreational fishers and listed species. The boat ramp project will enhance two existing boat ramps and allow an additional 92 vessels to be launched from two new public boat ramps. The purpose of these projects is to relieve traffic and congestion at other boat ramps in the areas. NMFS determined that any increase in vessel strike risk to sea turtles is discountable because the new boat ramps are likely to be used by people who currently have vessels and a previous NMFS analysis concluded that a typical dock or marina project in Florida that introduces less than 300 new vessels to an area will have an insignificant or discountable effect on sea turtles.

Three of the Phase I projects (1 boat ramp, 1 oyster project, and the nearshore artificial reef project) are located in Gulf sturgeon critical habitat. The boat ramp is located in Unit 9 and the oyster project and artificial reef projects are located in Unit 8. NMFS determined that the boat ramp project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 9 because the construction will occur in the same footprint and will be the same dimensions as the existing piers, any increases in turbidity are expected to be localized and temporary and insignificant, and the texture and quality of the sediments and its ability to support prey items are expected to be the same pre- and post-project. NMFS similarly concluded that the oyster project and artificial reef project will not adversely affect Gulf sturgeon critical habitat in Unit 8 because the placement of clean, toxin-free material will not alter water or sediment quality and the addition of this material to existing hardbottom will not alter prey availability.

To date, NMFS has completed 13 consultations covering 28 Phase III projects (See Appendix 2). These projects are 4 artificial reef projects (3 in Texas and 1 in Florida), 2 oysters projects (1 in Florida and 1 in Alabama), 4 living shoreline projects (1 in Alabama, 1 in Mississippi and 2 in Florida), 10 Florida boat ramp/dock projects, 1 scallop enhancement project in Florida, 1 Florida beach enhancement project, 1 North Breton Island, Louisiana, restoration project, 1 Mississippi fishing pier project, 2 observation/canoe launch docks in Florida, 1 erosion control project, and 1 Florida fish hatchery project. As with the Phase I projects, NMFS evaluated potential impacts on listed species (5 species of sea turtles and Gulf sturgeon) from placement of material, site exclusion, and dredging, and determined that these effects will be discountable or insignificant because of the species' mobility and ability to find suitable habitat for foraging in the surrounding areas. NMFS also evaluated the impacts of noise created from construction, where applicable, and determined that the risk of short- or long-term exposure to harmful noise is discountable, and any sounds heard by them will have insignificant health effects. NMFS determined that the potential impacts to sea turtles and Gulf sturgeon from fishing activities associated with the 4 artificial reef projects are discountable because the enhancement of the existing artificial reefs is not expected to induce new fishing effort. NMFS also determined that the risk of vessel strike impacts to turtles from future use of the artificial reef sites is discountable because use of the site will generally coincide with fair weather patterns and calm sea states that will allow boaters to detect and avoid any sea turtles in their path.

Fourteen of the Phase III projects (3 living shoreline projects, 1 Florida artificial reef project, 1 Florida fish hatchery, 3 boat ramp projects, 1 beach enhancement project, 1 Florida oyster reef project, 1 scallop enhancement project, 1 erosion control project, and the 2 observation/canoe launch docks) are located in Gulf sturgeon critical habitat. The living shoreline projects are located in Units 8, 9 and 13. The Florida fish hatchery is located in Unit 9. The boat ramp projects are located in Units 9 and 13. The beach enhancement project is located in Unit 11, the oyster project is located in Units 9 and 13, the scallop enhancement project is located in Units 9, 10, 12, and 13, the erosion control project is located in Unit 12, and the observation/canoe launch dock projects are in Units 10 and 12. NMFS determined that the scallop enhancement project and Florida fish hatchery project will have no effect on Gulf sturgeon critical habitat and that the other projects are not likely to adversely affect the essential features of Gulf sturgeon critical habitat (water quality, sediment quality, prey abundance, and safe and unobstructed migratory pathways). The oyster reef project will place clean, non-toxic material over existing hardbottom, which will make any impacts to water quality, sediment quality, or prey abundance discountable. The beach enhancement project will improve sediment quality and effects to prey abundance, water quality and migratory pathways will be insignificant because the work will take place in shallower water than normal foraging depths, any increased turbidity will be temporary and within natural background levels, and sand placement in the shallow waters along the beach will not interfere with migration. The Florida artificial reef project will have no effect on the sediment quality. The effects to water quality and prey abundance will be insignificant because turbidity will be temporary and within natural background levels and will not reduce prey availability overall in the areas surrounding the modules. Any impacts to migratory pathways will be discountable because the reef structures are in open water and spaced out sufficiently for Gulf sturgeon to move. The installation of the 8-inch-diameter seawater intake pipe for the fish hatchery project will have no effect on sediment quality. The effects to water quality and prey abundance will be insignificant because the turbidity will be temporary and within natural background levels and will not reduce prey availability in the areas surrounding the pipe. The boat ramp and dock projects will have no effect on sediment quality. The effects to water quality and prey abundance will be insignificant because turbidity will be temporary and within natural background levels and will not reduce prey availability overall in the areas surrounding the ramps or docks. The erosion control structure project will have no effects on sediment quality as the composition of the dredge materials to be placed behind the groins are expected to be similar or identical to what is currently present. The effects to water quality and prey abundance will be insignificant because turbidity will be temporary and within natural background levels and will not reduce prey availability overall in the areas surrounding the modules. Last, the living shoreline projects may temporarily increase turbidity and displace some prey species but these impacts are expected to be insignificant. With respect to prey abundance, the living shoreline projects are expected to have long-term beneficial impacts by increasing prey abundance in adjacent areas.

#### *Current Project*

This project is part of the Phase III ERP and is located at 29.81896°N, 84.84994°W (North American Datum 1983), in the northern portion of Cash Bayou, in the Apalachicola River Wildlife and Environmental Area (Figure 1). The activities will improve public access at Cash Bayou by providing a small fishing and wildlife observation pier, a parking area with an entrance kiosk, and an information station along State Route 65, east of the Cash Creek Bridge.

The applicant proposes to build a 700-square-foot (ft<sup>2</sup>) pier (35 feet [ft] by 20 ft) for fishing and wildlife observation. A maximum of 20 wood piles will be needed for the pier construction. It is anticipated that the piles will be no larger than 8 inches in diameter and will be installed by water jetting or mechanical auguring from small work boats. Installation of piles and associated cross pieces will be set from the boats, and the remaining pier construction will be built out from the shore. No slips are proposed. The

proposed pier (Figure 2) is expected to disturb approximately 0.2 acre. Best management practices for erosion control will be implemented and maintained at all times during construction. Construction is anticipated to take up to 3 years, including permitting, with in-water work only a fraction of this time.

Fixed signs consistent with NMFS's and the State of Florida's current guidance on what to do in the event of hooking a listed species (Appendix 1) will be placed at the entrance to the proposed pier and at 30-ft, fixed intervals along its length. A kiosk/booth will be placed at the entrance to the pier with additional information on catch-and-release fishing and other fishing practices (e.g., disposing of cut line and hooks in trash cans). Any facilities (e.g., trash cans) needed to help anglers comply with these recommendations will be provided. There will be no fish cleaning station on the pier. During construction, the applicant will deploy encircling turbidity curtains and comply with NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006.



Figure 1. Image showing the project location (©2014 Google, Data SIO, NOAA, U.S. Navy, NGA, GEBCO)



Figure 2. Image showing possible design for fishing and observation pier

We believe that sea turtles (the endangered Kemp's ridley; the threatened loggerhead,<sup>2</sup> and the threatened/endangered green<sup>3</sup>) and the threatened Gulf sturgeon may be present in the action area. We believe leatherback and hawksbill sea turtles will not be present. The turtles' very-specific foraging and life history requirements are not met in or near the action areas: leatherbacks are deepwater, pelagic species and hawksbills are associated with coral reefs. Therefore, there will be no effects to leatherback or hawksbill sea turtles from the proposed project. Sea turtles and Gulf sturgeon could be struck by the small workboats or pile-jetting or augering machinery, but these events are implausible due to the species' mobility, ability to detect in-water disturbances, and expected avoidance of the active construction area. As well, NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006, require work to stop if a listed species is observed within 50 feet of operating machinery.

NMFS has identified the following potential adverse effects to sea turtles and Gulf sturgeon and concluded the species are not likely to be adversely affected by the proposed action for the following reasons.

#### *Species Analysis*

1. Sea turtles and Gulf sturgeon may be affected by being temporarily unable to use the site due to avoidance of construction activities, related noise, and exclusion by turbidity barriers. However, the species likely make limited use of the project area. The features of the project area include limited foraging resources (no submerged aquatic vegetation, tannin-colored waters, and a silty

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<sup>2</sup> Northwest Atlantic Ocean distinct population segment (DPS)

<sup>3</sup> Green turtles are listed as threatened except for the Florida and Pacific coast of Mexico breeding populations, which are listed as endangered.

bottom), inter/subtidal habitat, and long distance from the nearest pass out into the Gulf of Mexico. Green turtles are almost exclusively herbivores, feeding on sea grasses and algae, while both loggerhead and Kemp's ridley turtles prefer jellyfish, crabs, and mollusks, none of which occur in the project site in great abundance. In a 2013 report by the Sea Turtle Stranding and Salvage Network<sup>4</sup>, 5 turtles were recovered at inshore sites within Franklin County (2 green, 2 loggerhead, and 1 Kemp's ridley); however, these inshore areas were within Apalachicola and East bays, 10 miles downstream from Cash Bayou, near the nesting beaches of Apalachicola Bay. Gulf sturgeon are suction feeders, using their relatively narrow mouths to funnel water and prey items. Because of their feeding morphology, they are usually found at slightly deeper depths (greater than 6 ft) where there is lower wave energy and sandy substrate<sup>5</sup>. If the species are present in the project area, the effects of in-water construction will be insignificant, given the project's limited footprint (the dock will cover 700 ft<sup>2</sup>) and short construction time. NMFS estimates that in-water operations, including pile installation, will take 1-2 weeks, and will temporarily disturb 0.2 acre.

2. Noise created during pile installation could affect these species through behavioral changes or through physical injury. NMFS believes that due to the unrestricted, open-water nature of the action area and the species' mobility, hearing abilities, and expected avoidance behaviors, sea turtles and Gulf sturgeon are unlikely to voluntarily remain in the vicinity of annoying levels of noise and be exposed to potentially harmful noise effects. Based on data from the Federal Highway Administration (2012)<sup>6</sup> on impact pile driving threshold noise levels for fish, we believe that the risk of noise-induced injury from the jetting and/or augering of 20 wood piles with 8-inch-diameters will be discountable because the noise levels will not exceed injury thresholds for these species. Fish are considered more sensitive to physical injury than sea turtles; therefore, fish thresholds are used as conservative interim criteria. Pile-driving noise may elicit a behavioral response in both sea turtles and Gulf sturgeon, though given the project site features and the short duration of pile installation, we believe these effects will be insignificant.
3. NMFS considered the potential for injury from recreational fishery activities. Given the Gulf sturgeon's suction-feeding morphology, it is extremely unlikely that it will be caught by hook-and-line, and thus, no effect is anticipated. Fishing piers have the potential to adversely affect sea turtles via incidental hooking and entanglement in actively-fished lines; discarded, remnant, or broken-off fishing lines; and other debris. Heavily used fishing piers are suspected to attract sea turtles that learn to forage there for discarded bait and fish carcasses. However, with proper disposal of bait and fish carcasses, turtles are not likely to associate this structure as a food source. The proposed fishing pier is small, only 35 ft by 20 ft. Given the small amount of potential fishing effort that this fishing pier will facilitate (it's located in a secluded area primarily used by neighborhood locals), coupled with the expected infrequency and low abundance of listed species in their vicinity, we believe it is extremely unlikely that fishing activity and listed species will overlap and result in adverse effects. Since this pier is much smaller and shorter than most public fishing piers, fisherman should be able to spot the presence of sea turtles and discontinue fishing until they have left the area. Therefore, NMFS believes that the likelihood of a recreational fishery interaction with sea turtles or Gulf sturgeon is low enough to be discountable.

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<sup>4</sup> Sea Turtle Stranding Narrative Report for 2013. Accessed June 2, 2014.

(<http://www.sefsc.noaa.gov/stssnrep/SeaTurtleReportII.do?action=reportIIquery>)

<sup>5</sup> Bolden, S. NMFS Memorandum dated June 8, 2007: Gulf sturgeon critical habitat: analysis of foraging habitat with application to ESA Section 7 consultations. NMFS Southeast Regional Office, Protected Resources Division.

<sup>6</sup> Federal Highway Administration. 2012. Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish. Final. February (ICF 645.10). Prepared by ICF International, Seattle, WA.

NMFS has also considered the effects of this project in conjunction with the effects associated with the Phase I and Phase III projects that have previously undergone Section 7 consultations and concludes there are no additive effects of the overall projects that rise above the level of effects considered for each of the individual projects. The potential impacts to listed species from construction activities are limited in time and place, and cease to exist once the project is complete.

Finally, we concur with your determinations that the project is not likely to adversely affect Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon.

This concludes the NOAA Restoration Center's consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action.

We've enclosed additional relevant information for your review. We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions about this consultation, please contact Joyce Barkley-Hahn, Consultation Biologist, at (727) 551-5741, or by email at [joyce.barkley-hahn@noaa.gov](mailto:joyce.barkley-hahn@noaa.gov).

Attachment: 1. *Sea Turtle and Smalltooth Sawfish Construction Conditions* (Revised March 23, 2006)

File: 1514-22.C

Appendix 1 Phase I Early Restoration Plan Projects with corresponding Public Consultation Tracking System (PCTS)

Ref.	PCTS Tracking #	Project	Description	Determinations
P1-1	SER-2012-889	Lake Hermitage Marsh Creation - NRDA Early Restoration Project	Project proposed involves the creation of marsh within the project footprint of the larger Lake Hermitage Marsh Creation Project. The primary goals of the Project are: (1) to restore the eastern Lake Hermitage shoreline to reduce erosion and prevent breaching into the interior marsh, and (2) to re-create marsh in the open water areas south and southeast of Lake Hermitage. The marsh creation project will substitute approximately 104 acres of created brackish marsh for approximately 5-6 acres (7,300 linear feet) of earthen terraces.	Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat. All activities associated with the Lake Hermitage Restoration project are outside the known range of Gulf sturgeon. Sea turtles are not likely to be at the dredge site in the Mississippi River, which is 70 miles from the Gulf of Mexico. Additionally, sea turtles are not likely to be at the marsh restoration site.
P1-2	SER-2012-889	Louisiana Oyster Cultch Project	Project involves (1) the placement of oyster cultch onto approximately 850 acres of public oyster seed grounds throughout coastal Louisiana, and (2) construction of an oyster hatchery facility that will produce supplemental larvae and seed. The project consists of placing oyster cultch material on public oyster seed grounds to produce seed- and sack-sized oysters to compensate the public for impacts to oyster areas exposed to oil, dispersant, and response activities.	Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat.
P1-3	SER-2012-889	Mississippi Oyster Cultch Restoration	Project consists of placing oyster cultch material on public oyster seed grounds in the footprint of existing oyster cultch areas to produce seed- and sack-sized oysters to compensate the public for impacts to oyster areas exposed to oil, dispersant, and response activities.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat.
P1-4	SER-2012-889	Mississippi Artificial Reef Habitat	Project includes the deployment of artificial reefs in bays and nearshore Mississippi Sound waters in and off of Hancock, Harrison, and Jackson Counties, Mississippi	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat.
P1-5	SER-2012-889	Marsh Island (Portersville Bay) Marsh Creation	Project involves the addition 50 acres of salt marsh to the existing 24 acres along Marsh Island in the Portersville Bay portion of Mississippi Sound in south Mobile County, Alabama. This entails the construction of a permeable segmented breakwater, the placement of sediments, and the planting of native marsh vegetation.	Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat.
P1-6	SER-2012-889	Alabama Dune Restoration Cooperative Project	Project will restore 55 acres of dune habitat by installing sand fencing and planting native dune vegetation in Orange Beach and Gulf Shores, Alabama	Project will have no effect on listed species or designated critical habitat under NMFS jurisdiction. NMFS does not believe there will be any direct or indirect effects to our listed species or designated critical habitat, as all activities will occur solely in upland areas.
P1-7	SER-2012-889	Florida Boat Ramp Enhancement and Construction Project	Project will entail repairing the existing Navy Point Park public boat ramp, located in a developed residential area in Pensacola Bay, and constructing the new Mahogany Mill public boat ramp that will be located in a commercial and industrial area in Pensacola Bay	Project is not likely to adversely affect sea turtles, Gulf sturgeon, smalltooth sawfish, or Gulf sturgeon critical habitat. The Navy Point project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 9, Pensacola Bay. The remaining boat ramp projects are not located in designated critical habitat.
P1-8	SER-2012-889	Florida (Pensacola Beach) Dune Restoration	Native dune vegetation will be planted on the primary dune on Pensacola Beach in Escambia County, Florida	This project will have no effect on listed species or designated critical habitat under NMFS jurisdiction. NMFS does not believe there will be any direct or indirect effects to listed species or designated critical habitat, as all activities will occur solely in upland areas.

Appendix 2 Phase III Early Restoration Plan Projects with corresponding Public Consultation Tracking System (PCTS)

R e f e r e n c e	PCTS Tracking #	Project	Description	Determinations
P3-1	SER-2014-12910	Texas Artificial Reefs Corpus	3 projects are designed to install artificial reefs in Texas coastal waters. They are not located within designated Gulf sturgeon critical habitat (68 FR 13370, March 19, 2003), nor proposed loggerhead sea turtle critical habitat (78 FR 43005, July 18, 2013).	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles).
P3-2	SER-2014-12916	Texas Artificial Reefs Freeport		
P3-3	SER-2014-12920	Texas Artificial Reefs Matagorda		
P3-4	SER-2014-12924	Alabama Oyster Culch	The applicant proposes to restore and enhance 319 acres of oyster reefs within historic footprint of oyster reefs in Mobile Bay. It is not located within any designated or proposed critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon). The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles were withdrawn.
P3-5	SER-2014-12925	Hancock County Living Shorelines	The applicant proposes to reduce shoreline erosion and restore oyster and marsh habitat by (1) use of breakwater materials to reduce shoreline erosion, (2) creation of 46 acres of salt marsh, and (3) enhancement of 46 acres of oyster reef habitat that have historically supported oyster habitat. It is located within designated Gulf sturgeon critical habitat Unit 8, but not within proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon). Leatherback and hawksbill sea turtles were withdrawn.
P3-6	SER-2014-12926	Swift Tract Living Shorelines	The applicant proposes to reduce shoreline erosion by creating breakwaters (8,500 ft) from natural materials (15,800 tons of riprap and 2,200 yd <sup>3</sup> of bagged oyster shell). Covering 2.9 acres of fine-grained sediment. It is not located within any designated or proposed critical habitats.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles and smalltooth sawfish were withdrawn.
P3-7	SER-2014-13016	FL Pensacola Bay Living Shorelines	The applicant proposes to reduce shoreline erosion by expanding existing breakwaters at 2 sites (25,000 tons of riprap, covering 5 acres of fine-grained sediment total) and backfilling marsh areas with 102,000 yd <sup>3</sup> of fill, total. It is located within designated Gulf sturgeon critical habitat Unit 9, but not within proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles and smalltooth sawfish were withdrawn.
P3-8	SER-2014-13083	FL Cat Point Living Shorelines	The applicant proposes to reduce shoreline erosion by expanding an existing breakwater structure (up to 0.3 miles) and creating 1 acre of salt marsh habitat. It is located within designated Gulf sturgeon critical habitat Unit 13, but not within proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles and smalltooth sawfish were withdrawn.

P3-9	SER-2014-13017	Beach Enhancement Project at Gulf Island National Seashore	The applicant proposes to remove fragments of asphalt and road-base material from a long, thin area approximately 20 feet (ft) by 2 miles long (211,200 ft <sup>2</sup> or ~4.8 acres) in the inter- and sub-tidal zone within the GUIS. The project is located within Gulf Sturgeon Critical Habitat Unit 11 (68 FR 13370, March 19, 2003) and is approximately 4 miles east of Proposed Loggerhead Critical Habitat Unit LOGG-N-33 (78 FR 43005, July 18, 2013).	The project effect determinations of the proposed action is not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon) or designated or proposed critical habitats for these species.
P3-10	SER-2014-13018	North Breton Island Restoration	The applicant proposes to dredge 3.7 million cubic yards (yd <sup>3</sup> ) (2.8 x 10 <sup>6</sup> cubic meters (m <sup>3</sup> )) of sand, silt, and clay materials, using a cutterhead dredge, from 1 or more sites within offshore shoals borrow sites from a water depth range of 6-20 feet (ft) or 1.8-6.1 meters (m) deep mean lower low water (MLLW). The in-water project footprint is 38 square miles (mi <sup>2</sup> ) or 98.4 square kilometers (km <sup>2</sup> ); 41.4 mi <sup>2</sup> (or 106.4 km <sup>2</sup> ) including proposed North Breton Island restoration. The project is not located within Gulf sturgeon critical habitat (68 FR 13370, March 19, 2003), nor proposed loggerhead sea turtle critical habitat (78 FR 43005, July 18, 2013).	The project effect determinations of the proposed action is not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon).
P3-11	SER-2014-13026	MS Popp's Ferry Causeway Park	The applicant proposes to install 4 fishing piers and 1 overlook pier, covering approximately 5,000 ft <sup>2</sup> of open water with vibratory hammering. It is not located within any designated or proposed critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon). Leatherback and hawksbill sea turtles were withdrawn.
P3-12	SER-2014-13079	FL Oysters Cultch	The applicant proposes to restore and enhance oyster populations in Pensacola and Apalachicola Bays in FL (total placement of 42,000 yd <sup>3</sup> of cultch material over 210 acres of previous oyster reefs). It is located within designated Gulf sturgeon critical habitat Units 9 and 13. It is not located in proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon) or Gulf sturgeon designated critical habitat.
P3-13	SER-2014-13080	FL Scallop Enhancement	The applicant proposes to restore and enhance scallop production by the placement of scallop spat into FL coastal waters. It is located within designated Gulf sturgeon critical habitat Units 9, 10, 12, and 13. It is not located in proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon) and no effect on Gulf sturgeon designated critical habitat.
P3-14	SER-2014-13081	FL Artificial Reef	The applicant proposes to build and deploy artificial reefs offshore in Florida coastal waters in 5 Florida counties (Escambia, Santa Rosa, Okaloosa, Walton, and Bay Counties). The project spans 123 miles (107 nautical miles [NM] or 198 kilometers [km]) along the coast of Florida in the nearshore as well as the offshore zone. Some project sites are located within Gulf sturgeon critical habitat Unit 11, although there are no sites in loggerhead sea turtle critical habitat.	The project effects determination of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles) and are not likely to adversely affect Gulf sturgeon critical habitat Unit 11.
P3-15	SER-2014-13077	FL Gulf Coast Marine Fisheries Enhancement Center	The applicant proposes to construct and operate a saltwater sportfish hatchery, on a 10-acre vacant lot, to enhance recreational fishing opportunities through aquaculture, in Pensacola Bay, Escambia County, Florida.	The project effects determination of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles) and are not likely to adversely affect Gulf sturgeon critical habitat Unit 9.
P3-16	SER-2014-13124	FL Big Lagoon State Park Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 9.
P3-17	SER-2014-13131	FL Gulf Breeze Wayside Park Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 9.

P3-18	SER-2014-13127	Franklin County Waterfront Park Improvements	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 13.
P3-19	SER-2014-13135	FL Enhancement of Franklin County Parks and Boat Ramps: Indian Creek Park	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-20	SER-2014-13119	FL Port St. Joe Frank Pate Boat Ramp Improvements	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-21	SER-2014-13140	FL Walton County Lafayette Creek Boat Dock Improvements	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-22	SER-2014-13277	Panama City St. Andrews Marina Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-23	SER-2014-13272	Parker Earl Gilbert Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-24	SER-2014-13085	FL Wakulla County Marshes Sand Park Improvements	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-25	SER-2014-13278	City of St. Marks Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-26	SER-2014-13270	FL Bayside Ranchettes Park Improvements	The proposed improvements include constructing a new parking area, a picnic table, an observation dock, and steps from the shoreline into the water allowing access to the bay.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 12.
P3-27	SER-2014-13275	FL Navarre Beach Park Coastal Access and Dune Restoration	The proposed project will construct new infrastructure to increase the public's opportunities to safely access coastal resources, including the beach and waters of Santa Rosa Sound. The project includes design and construction of two new beach-access boardwalks from the existing pavilion/parking lots to the Santa Rosa Sound and a new dock for launching canoes/kayaks.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 10.
P3-28	SER-2014-13086	FL Norriego Point Restoration	the proposed project is to enhance and increase the public's enjoyment of the natural resources by stabilizing ongoing erosion and re-establishing Norriego Point through the use of erosion control structures (groins) and placement of dredged sand fill.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 12.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

## SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



Appendix 1. Information on Dolphin Educational Products for Printing and Installation  
National Marine Fisheries Service, Southeast Regional Office  
February 28, 2014

Item: *Protect Dolphin Signs*

Sizes: *small (18"x 12") and medium (18"x24")*

Description for printing:

*Small:* 0.040 Aluminum, reflective, full color, fade/UV resistant, reflective, 2 holes (top & bottom) *Medium:*  
0.063 Aluminum, full color, fade/UV resistant, reflective, 2 holes (top & bottom) Company: Fast Signs  
(POC: Ron Droz)

Address:

3901 W. Kennedy Blvd.

Tampa, FL 33609

Telephone: 813-287-0110

Item: *Protect Dolphin Signs*

Sizes: *large (24"x 36")*

Description:

0.080 Aluminum, full color, fade/UV resistant, reflective, 2 holes (top & bottom)

Company: Municipal Supply & Sign Co.

Mailing Address:

P.O. Box 1765

Naples, Florida 34106

Telephone: 239-262-4639

Item: *Dolphin Friendly Fishing Tip Signs*

Size: 28" x 20"

Description:

0.063 Aluminum, full color, fade/UV resistant, 2 holes (top & bottom)

Company: Fast Signs (POC: Ron Droz)

Address:

3901 W. Kennedy Blvd.

Tampa, FL 33609

Telephone: 813-287-0110

Item: *Custom Pier Surface Placards and adhesive*

Description:

(1) 3.75" X 8" Custom Crystal Cap Marker White with Blue and Red

(2) 3.75" X 4" Custom Crystal Cap Marker White with Blue Trim/ Print

Adhesive, SIKAFLEX 10.3 OUNCES

Company:

ACP INTERNATIONAL

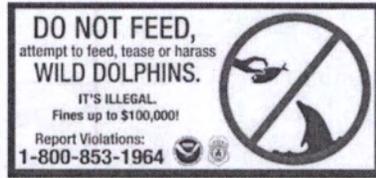
521 N. Great Southwest Pkwy

Arlington TX 76017

POC: Judy Brown

Phone: 817-640-0992

## Installation of "Protect Dolphins" and "Prevent Entanglement" Pier Surface Placards on Fishing Piers



3.75" x 8"



3.75" x 4"

Interactions at fishing piers in the southeastern United States involving bottlenose dolphins and other protected species, especially sea turtles, with people and fishing gear is an increasing conservation concern. Conservation messages can be difficult to deliver at fishing piers with traditional signs only because a lack of fixed surfaces along large piers prevent the frequency of signs needed for the message to effectively reach people. Therefore, the pier surface placards allow for delivering simple messages and important contact numbers at frequent intervals along the entire length of a fishing pier. The small placards are affixed to the deck of the fishing pier and are low profile and weatherproof.

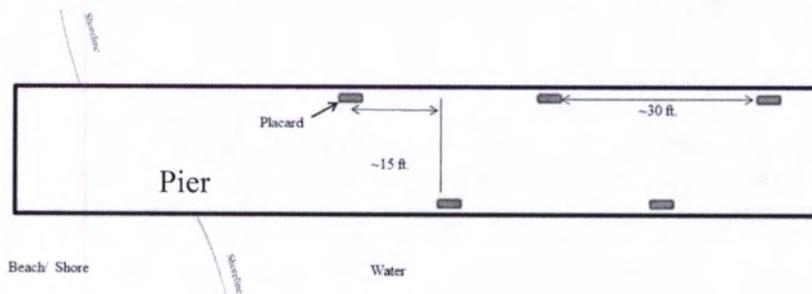
### Materials needed for installation:

- Placards (Protect Dolphins and/or Prevent Entanglement)
- Sikaflex – 221 adhesive 10.1 oz. tubes to affix the placards to the pier deck
- Caulk gun
- Utility knife
- Putty knife or paint scraper (to remove debris for installation)
- Whisk broom
- Rags

### Installation Plan:

- If possible, plan to install placards at a time when fewer people are using the pier.
- Install placards approximately 30 feet apart on each side of the deck of the fishing pier near the railings. Placards should also be installed at the same interval if there is a "T" at the offshore end of the pier and/or break out area(s).
- Install placards on both sides of fishing pier at this distance and stagger placement from side to side so that placards are not directly across from one another (see figure 1 below).

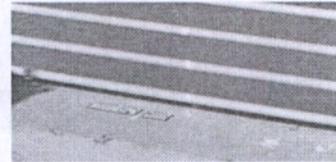
Figure 1



It is not necessary to install placards on portion of the pier over the beach/ shore or surf where there is little to no fishing activity.

**Installation How-To:**

Placards should be installed close to railings for maximum visibility and to avoid tripping hazards. If installing both the rectangular “Protect Dolphins” and square “Prevent Entanglement” placards, adhere both next to each other and leave a two-inch space between the two placards as shown in the picture.

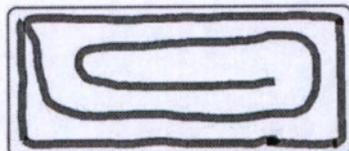


If necessary, use putty knife or paint scraper to remove any debris (e.g. gum, bird droppings) from installation area before affixing the placards.

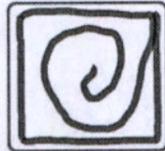
Sweep area with whisk broom after removing surface debris and before affixing.

Load Sikaflex adhesive tube into caulk gun and cut the end of the nozzle with utility knife (you may need to poke long narrow object (e.g. piece of metal hanger) down through nozzle to break seal on adhesive tube).

Apply Sikaflex adhesive to back of placard in the following pattern for complete coverage and ensuring a good seal.



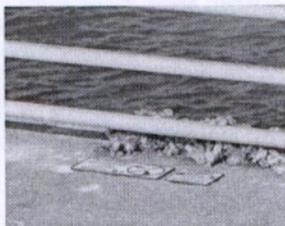
or



Press placard on pier deck firmly with both hands. Start pressing in



work toward edges. Idea



Adhesive will take about 20 – 30 minutes to dry. As possible, request people do not step on placards while adhesive is drying. Use a sign or cone if necessary to mark placards before adhesive dries.

**DO NOT FEED,**  
 attempt to feed, tease or harass  
**WILD DOLPHINS.**

**IT'S ILLEGAL.**  
 Fines up to \$100,000!

Report Violations:  
**1-800-853-1964**





**WARNING!**  
 DO NOT FEED, ATTEMPT TO FEED,  
 OR HARASS WILD DOLPHINS.  
 IT'S ILLEGAL & HARMFUL.

Violators are Subject to Civil and Criminal Penalties  
 Under the Federal Marine Mammal Protection Act.



Please Observe Wild Dolphins From a  
 Recommended Distance of 50 Yards.  
 Marine Mammals are Wild Animals  
 and Can be Dangerous!

Report Violations to the NOAA Enforcement Hotline:  
**1-800-853-1964**




# Help prevent entanglement.



# Recycle fishing line!



Report injured and entangled sea turtles and dolphins to:

**1-877-942-5343**

## Sea Turtle Handling/Release Guidelines:

### Quick Reference for

### Hook and Line Fisheries

#### Guidelines for all turtles

- Scan as far as possible to sight turtles in advance and reduce likelihood of jerking turtles out of the water.
- Longline Vessels: Do not get ahead of the line while picking up gear. This reduces the chance of fouling or running over gear and turtle.

#### Upon sighting a turtle:

- Slow vessel and line reel speed
- Adjust direction of the vessel to move toward turtle
- Minimize tension on the line with the turtle

Holding the line with the turtle on it, continue to move toward the turtle at a slow speed. **STOP VESSEL** and **PUT IN NEUTRAL** once turtle is brought alongside.

- Slowly retrieve line with turtle, keeping a gentle, consistent tension on the line. Avoid tugging or yanking line quickly. **DO NOT USE GAFFS OR SHARP OBJECTS** in direct contact with the turtle to retrieve it, a gaff may be used only to control the line during line removal.
- Ensure that enough slack is left in the line to keep turtle near the vessel, yet in water, until it can be determined whether or not it is possible to release turtle in the water, or safely bring it aboard.
- If turtle can be safely brought aboard and vessel is equipped with "cut-out doors," use the cut-out area to bring turtles aboard to minimize the distance from the water.
- Resuscitate comatose boated turtles as needed, holding them for up to 24 hours (keep moist and in the shade) if necessary.
- More information on releasing sea turtles is available in the *Careful Release Protocols for Sea Turtle Release with Minimal Injury* and on the web at: <http://sero.nmfs.noaa.gov/>.

#### Guidelines for turtles not boated

- Control turtle by maintaining pressure on line, or preferably, with a type of turtle tether, and bring the turtle as close to the vessel as possible. **DO NOT** lift turtles clear of the water.
- If entangled and not hooked, use dehooking tools to secure unattached hooks. Use clippers to cut the line. **DO NOT** leave line attached.
- If hooked and entangled, remove the hook first. Then, after the hook is removed, proceed to remove all line.
- All externally embedded hooks should be removed. If hook removal is not possible, cut the line at the eye of the hook (or as close as possible).
- Internal hooks should be removed only if an internal dehooker is being used. Do not attempt to remove hook if the hook has been swallowed beyond where the insertion point of the barb is visible, or when it appears that the hook removal will cause further injury. Remove as much of the line and/or hook as possible.

#### Guidelines for boated turtles

- If possible, bring turtle on board using a suitable dip net or other approved lifting device. Support turtle on a cushioned surface, such as a tire, while onboard.

#### DO NOT LIFT THE TURTLE OUT OF THE WATER USING THE LINE, GAFF, OR OTHER SHARP OBJECTS

- Remove all externally embedded hooks.
- Internal hooks should be removed when the insertion point of the barb is clearly visible and only if an approved internal dehooker is being used. Do not remove the hooks that have been swallowed when the insertion point is not visible, or when it appears hook removal will cause further damage (e.g., in the brain case or glottis). Remove as much of the line and/or hook as possible.

**Stop!**

- To release turtle (1) **STOP VESSEL** and place in neutral; (2) Ease turtle gently into the water, head first, through cut-out door if so equipped; and (3) Observe that turtle is safely away from the vessel before engaging the propeller and continuing operations.



See <http://sero.nmfs.noaa.gov/> for additional copies of placard. Revised 10/2010