UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
https://www.fisheries.noaa.gov/region/southeast

03/27/2020 F/SER31:NB/KR
SERO-2019-03111

Dr. Larry McCallister
Director of Programs, South Atlantic Division District
U.S. Army Corps of Engineers
60 Forsyth Street Southwest
Atlanta, Georgia 30303

Dr. Jeffrey Reidenauer
Chief, Marine Minerals Division
Office of Strategic Resources
Bureau of Ocean Energy Management
45600 Woodland Road, VAM-MMD
Sterling, Virginia 20166

Dear Drs. McCallister and Reidenauer:

The enclosed Biological Opinion ("Opinion") known as the 2020 South Atlantic Regional Biological Opinion for Dredging and Material Placement Activities in the Southeast United States (2020 SARBO) responds to your request for consultation with us, the National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act (ESA). The Opinion considers dredging and material placement activities under the jurisdiction of the United States Army Corps of Engineers (USACE) Civil Works and Regulatory Programs and dredging/sand mining in borrow sites in federal waters under the jurisdiction of the Bureau of Ocean Energy Management (BOEM) Marine Minerals Program in the Southeast United States from the North Carolina/Virginia Border through and including Key West, Florida and the Islands of Puerto Rico and the U.S. Virgin Islands. Activities considered under the 2019 SARBO include dredging (maintenance dredging, dredging/sand mining in borrow sites, and restoration dredging/muck dredging to improve water quality); dredge material placement (sand placement for beach nourishment, nearshore placement, placement in in ocean dredged material disposal site (ODMDS), upland placement, transportation of materials between dredging and material placement locations); geotechnical and geophysical (G&G) surveys, conducted by USACE,[1] necessary to complete dredging and material placement projects, and monitoring for and handling of ESA-listed species encountered during projects covered under this Opinion.

NMFS concludes that the proposed action is not likely to jeopardize the continued existence of ESA-listed species or result in adverse effects to designated critical habitats considered in the Opinion (Table 8). This Opinion includes an Incidental Take Statement (ITS), with associated Reasonable and Prudent Measures (RPMs) and Terms and Conditions (T&Cs). The RPMs and T&Cs incorporate elements of the proposed action that appropriately minimize the impact of incidental take. Because NMFS has concluded the Project Design Criteria (PDC) include the measures necessary and appropriate to minimize the impact of incidental take of incidental take, the RPMs/T&Cs impose no additional requirements beyond those specified by the proposed action.

[1] BOEM has previously consulted on G&G activities in the Atlantic, including within the action area, under NER-2018-15093: Biological Opinion: Sand Survey Activities for BOEM's Marine Minerals Program: Atlantic and Gulf of Mexico.

The requirements of this Opinion are separate and distinct from any requirement under other applicable laws, including the Marine Mammal Protection Act, the Magnuson-Stevens Fishery Conservation Act (MSA), and other federal, local, or state requirements. SARBO therefore does not replace consultation with the NMFS under the Essential Fish Habitat (EFH) provisions of the MSA. The routes of effect that NMFS evaluated under SARBO to determine if the actions proposed by USACE and BOEM are likely to jeopardize the continued existence of a listed species and/or result in the destruction or adverse modification of critical habitat differ considerably from the routes of effect NMFS evaluates during an EFH consultation to identify measures to avoid, minimize, or compensate for adverse impacts to EFH. Therefore, the PDCs in the 2020 SARBO should be viewed as neither substitutes for EFH conservation recommendations nor as necessarily sufficient steps for avoiding, minimizing, or compensating adverse impacts to EFH under the MSA.

We also note that NMFS and the United States Fish and Wildlife Service (USFWS) share jursidction over ESA-listed sea turtles. Therefore, USACE may need to consult with USFWS regarding impacts from beach nourishment activities, or any activity, that may affect sea turtles and/or their habitats in the terrestrial environment.

The project has been assigned a tracking number in our new NMFS Environmental Consultation Organizer (ECO), "SERO-2019-03111". Please refer to the ECO tracking number in any future inquiries regarding this project.

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 on this consultation, please contact Nicole Bonine, Consultation Biologist, by email at nicole.bonine@noaa.gov, or Karla Reece, Section 7 Team lead, by email at karla.reece@noaa.gov.

Sincerely,

CRABTREE.ROY.E.DR.1365849559

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Date: 2020.03.27 16:00:17 -04'00'

Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosure (s)
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Endangered Species Act - Section 7 Consultation
Biological Opinion

Action Agency: United States Army Corps of Engineers (USACE), and the Bureau of Ocean Energy Management (BOEM);

Activity: South Atlantic Regional Biological Opinion for Dredging and Material Placement Activities in the Southeast United States (2020 SARBO)

North Carolina/Virginia Border through and including Key West, Florida and the Islands of Puerto Rico and the U.S. Virgin Islands.

Consulting Agency: National Oceanic and Atmospheric Administration (NOAA),
National Marine Fisheries Service (NMFS),
Southeast Regional Office,
Protected Resources Division,
St. Petersburg, Florida

Consultation Number SERO-2019-03111

Approved by: CRABTREE.ROY.E.DR.1365849559 Digitally signed by CRABTREE.ROY.E.DR.1365849559 Date: 2020.03.27 16:02:24 -04'00'

Roy E. Crabtree, Ph.D., Regional Administrator
NMFS, Southeast Regional Office
St. Petersburg, Florida

Date Issued 03/27/2020