

# South Atlantic Regional Biological Assessment (SARBA)

Re-initiation of Consultation under Section 7 of  
the Endangered Species Act (ESA)

## Status and Expectations

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### Joint Consultation

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



## Outline

- Review of Consultation History
- How did we get here?
- Why a Joint Consultation with MMS?
- SARBO – New Actions, Species, and Areas Covered
- NARW – Implications of the Speed Restriction  
FEIS/Rulemaking?
- Anticipated Changes from 1997 SARBO?
- Next Steps
- Questions?



## History of Consultation - SARBO

- 1991 – 1<sup>st</sup> regional Biological Opinion for hopper, clamshell, and pipeline dredges
- 1995 – included beach nourishment, window expansion, draghead deflector requirements, etc.
- 1997 – 2 opinions – increase of loggerhead take due to high mortality year – covers hopper, keeps 1991 determination on clamshell and pipeline dredges → SAD is currently working under this 1997 SARBO
- Jan 2007 - Completion of Gulf Regional Biological Opinion final revision.



## ESA Re-initiation Triggers

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



## Re-initiation of Consultation

### Timeline

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



## Why is MMS a co-consulter?

- Increasing demand for OCS sand.
- Increased **efficiency** and **effectiveness** for action agencies permitting the same or part of the same action.
- Minimize the time it takes to process a request for OCS sand.
- Removes potential for delays in project approvals and also raises the potential for RPM's or ITS's to differ for the same project (i.e., MMS receives a different set then USACE).



## Actions Covered by New SARBO

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



## Actions NOT covered by new SARBO

- **Sand placement within habitat of coral species** (Martin/Palm Beach County line south through Monroe county, Florida; USVI or PR).
- **Port Expansion** (deepening, widening, etc.) – beyond previously authorized dimensions.

\*Separate opinion will be required for these activities



# New Listed Species/Actions Covered by SARBO

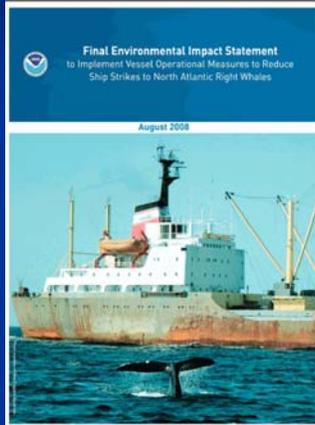


# New Geographic Areas Covered by SARBO



# North Atlantic Right Whale

## Major Points



- Early USACE Headquarters Involvement.
- **Release of FEIS (August 2008) - Exemption** for vessels owned or operated by, or under contract to the **Federal government**.
- **2008 SARBA Commitments** - Consistent with 1991, 1995, and 1997 T&C's:
  - Contractor Briefings
  - Observers
  - Early Warning System – may be extended to SAC and SAW?
  - Slowdown and Course Alteration Procedures



## Anticipated Changes from 1997 SARBO?

\*Based on Revised GRBO and Informal Discussions with NMFS

### 1) Incidental Take

#### a.) *Sea Turtles*

- Additional Species (Olive Ridley)
- Increase in Kemp's Ridley take authorization?
- Additional MMS take to be authorized and managed by the Corps (lead agency) on behalf of MMS.
- Separation of RD and CW take – Managed by SAD.
- Separate lethal and non-lethal trawling takes.

b.) *Acropora* – Take authorization and potential buffer requirements (400 ft).

c.) *Smalltooth Sawfish and Atlantic Sturgeon* – Take authorization.

### 2) Inflow Screening (clogging) – 4'x4' → 6'x6' → 9'x9' → 12'x12'



## Anticipated Changes from 1997 SARBO?

\*Based on Revised GRBO and Informal Discussions with NMFS

3) Training of Hopper Dredge Personnel

4) Dredge Lighting

5) Trawling

a.) May be **required** under certain conditions

6) Internal/External Tagging and Genetic Samples

7) Revised SAD Management Protocol

ESA Section 10  
scientific permit **no  
longer required**



## Next Steps

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



# Thank You

Questions???

