

EXHIBIT I

ENDANGERED SPECIES CONSULTATION

September 20, 1993

Planning Division
Environmental Branch

Mr. David L. Ferrell
Field Supervisor
U.S. Fish and Wildlife Service
P.O. Box 2676
Vero Beach, Florida 32961-2676

Dear Mr. Ferrell:

This is in reference to the Tampa Harbor - Big Bend Navigation Feasibility Study which we are currently conducting. A Planning Aid Report was submitted to this office by letter dated December 21, 1990.

The West Indian manatee (*Trichechus manatus*) was identified as the only species in the area that could be affected by the project. The Big Bend channel connects the Hillsborough Bay Channel with the Industrial Port Complex. Manatees congregate south of this channel during the winter months at the Tampa Electric Company warmwater outfall. A retaining wall segregates this power plant outfall from the Industrial Port Complex. Several islands and shallow-water areas created by previous dredging and disposal operations are located south of the Big Bend channel. These shallow-water areas are sometimes exposed during low tide. No seagrass beds are located north of the power plant, they are in fact located along Tampa Bay, south of the power plant.

Based on this information, we do not believe manatees will be found in the project area since their food source is located in the opposite direction and a physical barrier exists between where they are located and the project area. In addition, the standard manatee protection conditions established by the state will be included in the Plans and Specifications. Therefore, pursuant to Section 7 of the Act, we have determined that there would be No Effects to the West Indian manatee and are asking for your concurrence in this matter.

If you have any questions concerning this project, please contact Mr. Bill Fonferok at 904-232-2803.

Sincerely,

A. J. Salem
Chief, Planning Division

STANDARD MANATEE PROTECTION CONDITIONS

9.4.1 Manatee Protection.

9.4.1.1 The Contractor shall instruct all personnel associated with the project of the potential presence of manatees and right whales and the need to avoid collisions with these animals.

9.4.1.2 All construction personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing manatees and right whales which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The Contractor shall be held responsible for any manatee or right whale harmed, harassed, or killed as a result of construction activities.

9.4.1.3 If siltation barriers are used, they shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

9.4.1.4 All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in waters where the draft of the vessel provides less than a four foot clearance from the bottom and vessels shall follow routes of deep water whenever possible. Boats used to transport personnel shall be shallow-draft vessels, preferably of the light-displacement category where navigational safety permits.

9.4.1.5 If a manatee(s) is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by the Contractor to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. If a manatee is closer than 50 feet to moving equipment or the project area, the equipment shall be shut down and all construction activities shall cease to ensure protection of the manatee. Construction activities shall not resume until the manatee has departed the project area.

9.4.1.6 9.4.1.6 Prior to commencement of construction, each vessel involved in construction activities shall display at the vessel control station or in a prominent location, visible to all employees operating the vessel, a temporary sign at least 8 1/2" x 11" reading, "Caution: Manatee Habitat/Idle Speed is Required in Construction Area." In the absence of a vessel, a temporary 3' x 4' sign reading "Caution: Manatee Area" will be posted adjacent to the issued construction permit. A second temporary sign measuring 8 1/2" X 11" reading "Caution: Manatee Habitat. Equipment Must Be Shutdown Immediately If A Manatee Comes Within 50 Feet Of Operation" will be posted at the dredge operator control station and at a location prominently adjacent to the displayed issued construction permit. The Contractor shall remove the placards upon completion of construction.

U.S. Fish and Wildlife Service
6620 Southpoint Drive South
Suite 310
Jacksonville, Florida 32216

Chief, Environmental Resources Branch
U.S. Army Corps of Engineers (CESAJ-PD-E)
P.O. Box 4970
Jacksonville, Florida 32232-0019

Florida Marine Patrol's District 8 Office
2510 2nd Avenue North
Jacksonville Beach, Florida 32250

Area Engineer, _____

9.4.1.9. Manatee Observer. The contractor shall have a special manatee observer onboard to watch for manatees and advise the contractor about avoiding impacts to manatees. The observer will be approved by either Florida Department of Environmental Protection or the US Fish and Wildlife Service and be a qualified biologist knowledgeable about manatees and their behavior. The observer shall be responsible for keeping the manatee log.

9.4.1.10. Equipment. All auxiliary vessels equipped with propellers shall be fitted with propeller guards and shall operate at no wake speeds.

9.4.1.11. Work shall be halted and reconsultation with the US Fish and Wildlife Service and the Department of Environmental Protection will be initiated should, as a result of this project, any person, at any time, by any means or in any manner, intentionally or negligently, annoy, molest, harass, or disturb any manatee.

9.4.1.12. Clamshell-type dredges will be restricted to daylight hours during the winter manatee window of 15 November through 31 March.

9.4.1.7 Any collisions with a manatee or sighting of any injured or incapacitated manatee shall be reported immediately to the Corps of Engineers. The order of contact within the Corps of Engineers shall be as follows:

Order of Contact of Corps Personnel
for Dredging Contractor to Report
Manatee Death or Injury

<u>Title</u>	<u>Telephone Number</u>	
	<u>Work Hours</u>	<u>After Hours</u>
Corps, Inspector	On site	Lodging Location
Mr. _____, Area Engineer, _____ (CESAJ-__ - __)	_____	_____
Dr. Hanley K. Smith, Chief Environmental Resources Branch, Planning Division (CESAJ-PD-E)	904/232-2202	904/745-0632
Mr. C. Alex Morrison, Acting Chief, Construction Branch, Construction- Operations Division (CESAJ-CO-C)	904/232-1120	904/367-0758
Mr. Giralmo DiChiara, Chief Construction-Operations Division (CESAJ-CO)	904/232-1122	904/737-1909

The Contractor shall also immediately report any take of a manatee to the Florida Marine Patrol "Manatee Hotline" (800) 342-5367 as well as the U.S. Fish and Wildlife Service, Jacksonville Endangered Species Field Station (904) 232-2580 and the Department of Environmental Protection, Office of Protected Species at (904) 922-4330.

9.4.1.8 The Contractor shall maintain a daily log detailing sightings, collisions, or injuries to manatees occurring during the contract period. The data shall be recorded on forms provided by the Contracting Officer (sample form is appended to the end of this section). All data in original form shall be forwarded directly to Dr. Hanley K. Smith, Chief Environmental Resources Branch, P. O. Box 4970, Jacksonville, Florida, 32232-0019, within 10 days of collection and copies of the data will be supplied to the Contracting Officer. Within 15 days, following project completion, a report summarizing the above incidents and sightings, including a list and addresses of all observers utilized during the construction will be submitted to the following:

Florida Department of Natural Resources
Office of Protected Species
3900 Commonwealth Blvd. Mail Station 245
Tallahassee, Florida 32399