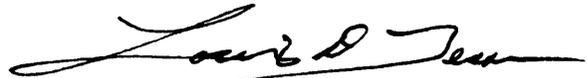


Ms. Gren
September 1, 1989
Page 2

We look forward to receiving additional information on this project as it progresses. If you have any questions concerning our comments, please do not hesitate to contact us. Your interest and cooperation in helping to protect Florida's archaeological and historical resources are appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "George W. Percy".

for George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/smh

August 31, 1989

Planning Division
Environmental Resources Branch

Mr. David Ferrell
Field Supervisor
U.S. Fish and Wildlife Service
Post Office Box 2676
Vero Beach, Florida 32961-2626

Dear Mr. Ferrell:

In accordance with the provisions of Section 7 of the Endangered Species Act, as amended, the following information is provided concerning the **Section 933 study of Gasparilla Island.**

An estimated 150,000 cubic yards of shoal material has accumulated in the channel area. The dredged material historically has consisted of predominantly fine quartz, slightly shelly, light grey sand. The area being considered for disposal consists of the western shore (from the dune line to 100 feet seaward of the mean high water line) of Gasparilla Island lying within Lee County (enclosure 1).

Species in the project area under your jurisdiction are: green turtle (Chelonia mydas, E), hawksbill turtle (Eretmochelys imbricata, E), Kemp's ridley turtle (Lepidochelys kempii, E), leatherback turtle (Dermochelys doriacea, E), loggerhead turtle (Caretta caretta, T), bald eagle (Haliaeetus leucocephalus, E), peregrine falcon (Falco peregrinus tundrius, T), piping plover (Charadrius melodus, T), wood stork (Mycteria americana, E) and the West Indian manatee (Trichechus manatus, E). The project area is within the critical habitat of the manatee. Biological information is enclosed (enclosure 2).

Based on this information and the nature of the proposed work, we have determined that there will be no effect on listed species under FWS jurisdiction. We request your concurrence with our determination.

Sincerely,



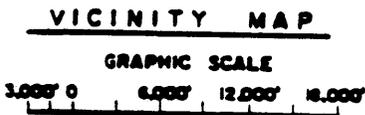
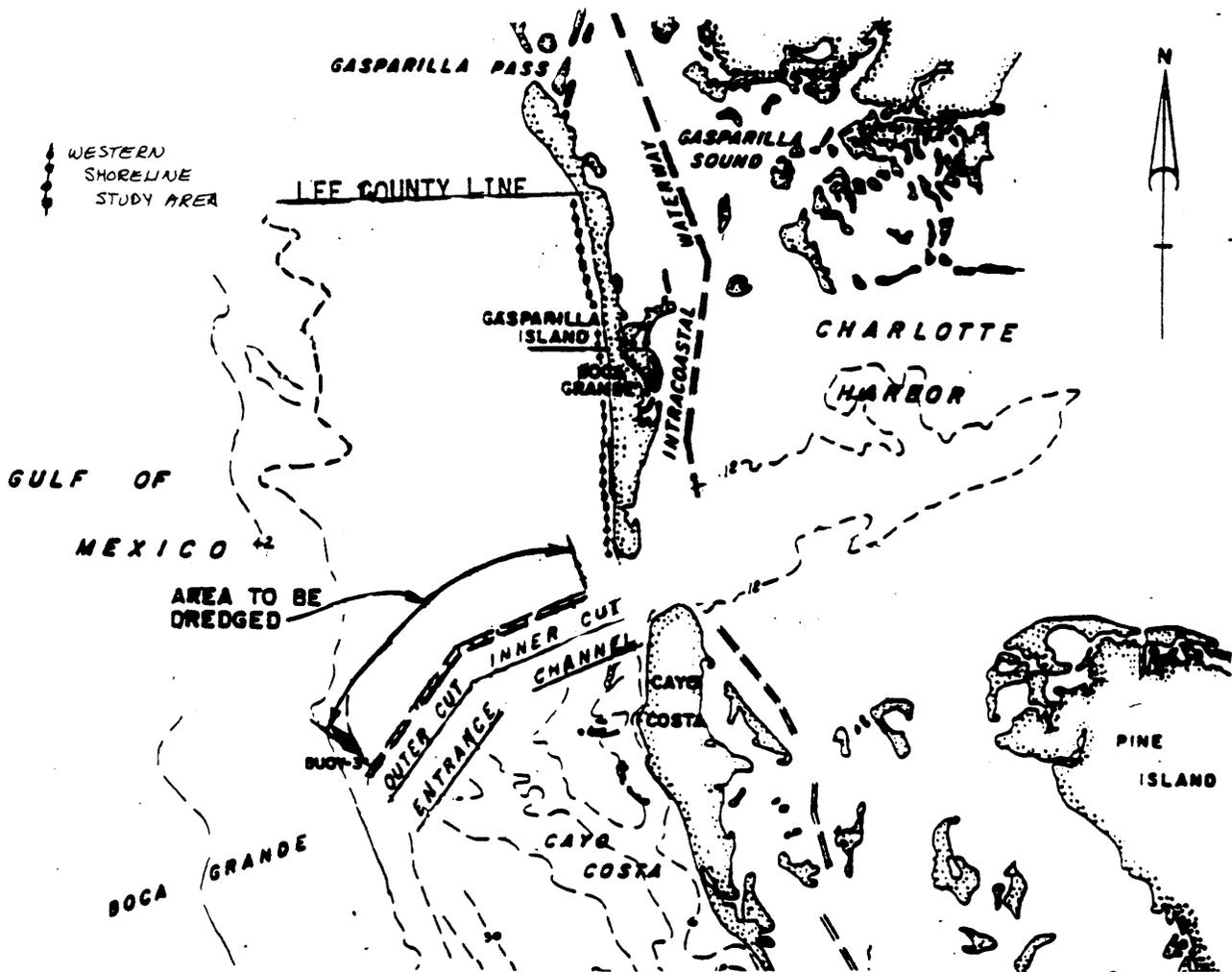
A. J. Salem
Chief, Planning Division

Enclosure

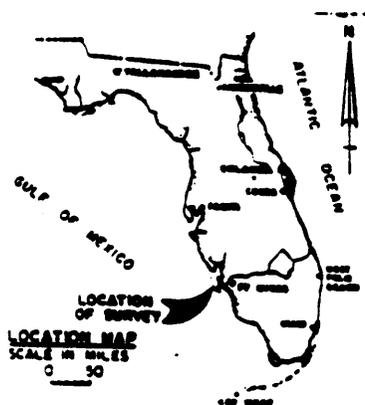
Copy Furnished:

U.S. Fish and Wildlife Service
3100 University Boulevard South
Suite 120
Jacksonville, Florida 32216-2730

Langworthy/CESAJ-PD-ES
PKP 8/30/89 1689
Atmar/CESAJ/PD-ES
Smith/CESAJ/PD-E
Hobbs/CESAJ-PD-C
Davis/CESAJ/PD-A
Salem/CESAJ/PD



Section 933 Study
Gasparilla Island
Charlotte Harbor
Lee County
Florida



ENCLOSURE 2

BIOLOGICAL INFORMATION MAINTENANCE DREDGING AND DISPOSAL BOCA GRANDE PASS, CHARLOTTE HARBOR, LEE COUNTY, FLORIDA

1. Location. The proposed work would occur in Boca Grande Pass, Charlotte Harbor, Lee County, Florida and on the western shoreline of Gasparilla Island lying within Lee County (from the dune line to 100 feet seaward of mean high water).
2. Identification of Listed Species and Critical Habitat in the Area of the Proposed Activities. Listed species which may occur in the vicinity of the proposed work and are under the jurisdiction of the Fish and Wildlife Service are: green turtle (*Chelonia mydas*, E), hawksbill turtle (*Eretmochelys imbricata*, E), Kemp's ridley turtle (*Lepidochelys kempii*, E), leatherback turtle (*Dermochelys doriacea*, E), loggerhead turtle (*Caretta caretta*, T) as well as the bald eagle (*Haliaeetus leucocephalus*, E), peregrine falcon (*Falco peregrinus tundrius*, T), piping plover (*Charadrius melodus*, T), wood stork (*Mycteria americana*, E) and the West Indian manatee (*Trichechus manatus*, E). The proposed activity will take place within the critical habitat of the manatee.
3. Description of Proposed Activity. The Corps of Engineers (CE) proposes to maintenance dredge approximately 150,000 cubic yards of fine, slightly shelly, light grey sand from the Pass. The dredged material would be removed and transported by a hopper dredge for beach nourishment.
4. Assessment of Potential Impacts of the Proposed Activity on Listed Species. The natural history characteristics of the bald eagle, peregrine falcon, piping plover and wood stork coupled with the nature of the proposed work make it unlikely that these forms would be adversely impacted by the proposed project. No information was found to indicate a past history of negative impacts to these forms as the result of previous dredging or disposal activities in the project area. Because of the nature of the work and the precautions to be taken as described in the following section, the CE has determined that the proposed activities will also have minimal adverse impacts on the other listed species.
5. Efforts to Eliminate Potential Impacts on Listed Species or Critical Habitat. Construction activities will be kept under surveillance, management, and control to minimize interference with, disturbance of, or damage to wildlife resources.

Prior to the commencement of constructional activities the Contractor will instruct all personnel associated with the project on which endangered species could be in the area, the need to avoid collisions with them, the civil and criminal penalties for harming, harassing or killing any of them and the requirement for logging all sightings of these listed wildlife resources.

The proposed project involves beach nourishment. The following measures would be implemented for the protection of sea turtles:

1. Nest relocation activities will begin 65 days prior to nourishment activities which occur within the nesting season (March 1-November 30).

2. Nest surveys and relocations will be conducted by personnel with prior experience and training in nest survey and relocation procedures, and with a valid Florida Department of Natural Resources Permit.

3. Nests shall be relocated between sunrise and 10 a.m. each day, and the relocation will be to a nearby self-release beach hatchery in a secure setting and where artificial lighting will not conflict with hatch orientation.

4. If sand compaction is greater than 500 psi on the nourished beaches they will be plowed to a depth of at least 30 inches immediately following completion of beach nourishment.

5. A report describing the actions taken to implement these items will be submitted to the Vero Beach Field Office within 60 days of completion of the proposed project. This report will include dates of actual construction activities, names and qualifications of personnel involved in nest surveys and relocation activities, description and location of hatcheries, nest survey and relocation result and hatching success of nests.

The Contractor will be responsible for posting a lookout on all vessels during periods of operation and keeping a log detailing all encounters with endangered species during the construction period. He will also be responsible for any endangered species harmed or killed as the result of project activities. Any incident involving a death or injury shall be reported immediately to the CE and the Fish and Wildlife Service Jacksonville Endangered Species Field Station for investigation so the appropriate course of action can be taken. Following project completion, a report summarizing the above incidents shall be submitted to the USFWS Jacksonville Field Station.

All small vessels associated with the project will be required to operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than a 3-foot clearance from the bottom. The vessels will be instructed to follow routes of deep water whenever possible.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Construction-Operations Division
Public Notice No. CHH155

25 August 1989

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The District Engineer, Jacksonville District, U. S. Army Corps of Engineers, has forwarded an application to the State of Florida Department of Environmental Regulation pursuant to Section 404 of the Clean Water Act of 1977. This Federal project is being evaluated and coordinated pursuant to 33 CFR 209.145.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice. Any person who has an interest which may be affected by the disposal of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

If you have any questions concerning this application, you may contact Len Farmer of this office, telephone 904-791-2530.

WATERWAY & LOCATION: Charlotte Harbor, Lee County, Florida.

WORK & PURPOSE: The proposed maintenance dredging consists of dredging the channel to the authorized depth of 32 feet. Material is predominantly fine quartz, slightly shelly, light gray sand. Material will be placed in an approved disposal site. The beach disposal area will be the first priority for placement of all sand. Disposal of dredged material on beach areas will be evaluated under the guidelines established in Section 933 of Public Law 99-662 of the Water Resource Development Act of 1986. The law authorizes placement of dredged material on beach areas if the State pays 50 percent of the increased cost over alternative methods such as open water or nearshore disposal. The second priority will be nearshore disposal and the third priority will be open water disposal. A candidate ocean disposal area is currently being evaluated by the Environmental Protection Agency (EPA). It is estimated that approximately 250,000 cubic yards of shoal material will accumulate annually in the channel area. Dredging and disposal will be accomplished by hopper dredge, hopper barge, pipeline dredge, or any other type plant capable of performing the work. The application is for a 10-year permit/water quality certification.

PROJECT AUTHORIZATION: House Document 186, 81st Congress, 1st Session,
Rivers and Harbors Act of 17 May 1950.

EVALUATION:

a. Disposal Alternatives: The proposed transportation of this dredged material for the purpose of dumping it in ocean waters will be evaluated to determine that the proposed dumping will not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological system, or economic potentialities. In making this determination, the criteria established by the Administrator, EPA, pursuant to Section 102(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 shall be applied. In addition, based upon an evaluation of the potential effect which the failure to utilize this ocean disposal site will have on navigation, economic, and industrial development, and foreign and domestic commerce of the United States, an independent determination will also be made of the need to dump this dredged material in ocean waters, other possible methods of disposal, and appropriate locations for the dumping.

Designation of the proposed disposal site for dredged material associated with this Federal project shall be made through the application of guidelines promulgated by the Administrator, EPA, in conjunction with the Secretary of the Army. If these guidelines alone prohibit the designation of this proposed disposal site, any potential impairment to the maintenance of navigation, including any economic impact on navigation and anchorage which would result from the failure to use this disposal site, will also be considered.

A preliminary 404(b) evaluation for nearshore and beach disposal has been prepared for this project. Based on this evaluation and information available in the project files for this and similar projects, the proposed dredging will have no significant impact on the quality of the human environment.

b. Historical Resources: The National Register of Historic Places and the latest supplement to the Register was consulted. No resources have been listed in the Register that may be affected by the project's operations. Existing historical, archaeological, and cultural resources within the work area will be so designated by the Corps and precautions taken to preserve all such resources as they existed at the time they were located. If during construction activities the Corps observes unusual items that might have historical or archaeological value, such observations shall be reported as soon as practicable.

c. Fish and Wildlife Resources: Construction activities will be kept under surveillance, management, and control to minimize interference with, disturbance to, and damage of fish and wildlife. The surveillance, management, and control will be performed by either Corps or Contractor depending upon who is performing the work. Contract work is under the supervision of the Corps.

d. Threatened or Endangered Species. The Contractor will monitor and instruct all personnel associated with the construction of the project about the presence of manatees and/or sea turtles in the area and the need to avoid collisions. All vessels associated with the project will be required to operate at "no wake" speeds at all times while in shallow waters, or channels, where the draft of the boat provides less than 3 feet clearance of the bottom. Boats used to transport personnel will be shallow-draft vessels, preferably of the light-displacement category, where navigational safety permits. Vessels transporting personnel between the landing and the dredge shall follow routes of deep water to the extent possible. The Contractor will brief their personnel concerning the civil and criminal penalties for harming, harassing, or killing manatees and/or sea turtles, which are protected under the Endangered Species Act and the Marine Mammal Protection Act. The Contractor will be held responsible for any manatee and/or sea turtles harmed, harassed, or killed as a result of the construction of the project. The Contractor will keep a log detailing all sighting, collisions, damage, or killing of manatees and/or sea turtles which have occurred during the maintenance dredging period. Any collision with a manatee and/or sea turtle resulting in death or injury to the animal shall be reported immediately to the Corps' Environmental Resources Branch for Contractor work and to the Fish and Wildlife Service (Jacksonville Area Office) for Corps' work for investigations so the appropriate course of action can be taken. Following project completion, the Corps will submit a report summarizing the above incidents to the U.S. Fish and Wildlife Service.

e. A draft Environmental Impact Statement (EIS) is being prepared for a new ocean disposal site.

f. Impact on Coastal Zone: It has been determined through this evaluation and the guidelines found in 15 CFR 930 that the proposed activity will be consistent to the maximum extent possible with the state of Florida Coastal Zone Management Program.

APPLICABLE LAWS: The following laws are, or may be, applicable to the review of the proposed disposal sites and to the activities affiliated with this Federal project:

1. Section 404 of the Clean Water Act of 1977 (PL 95-217) (33 U.S.C. 1344).
2. Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (PL 92-532) (33 U.S.C. 1413, 86 Stat. 1052).
3. Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (PL 92-532, 86 Stat. 1052).
4. The National Environmental Policy Act of 1969 (PL 91-190) (42 U.S.C. 4321-4347).
5. Sections 307(c)(1) and (2) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(1) and (2), 86 Stat. 1280).

6. The Fish and Wildlife Act of 1956 (16 U.S.C. 472a et seq).
7. The Migratory Marine Game-Fish Act of 1959 (16 U.S.C. 760c-760g).
8. The Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661-666c).
9. The Endangered Species Act of 1973 (PL 93-205) (16 U.S.C. 668aa-668cc-6, 87 Stat. 884).
10. The National Historic Preservation Act of 1966 (16 U.S.C. 470, 80 Stat. 915).
11. Section 313 of the Clean Water Act of 1977 (33 U.S.C. 1323, 82 Stat. 816).

DISSEMINATION OF NOTICE: You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have an interest in this matter.

COORDINATION: This notice is being sent to, and coordinated with, the following agencies:

FEDERAL AGENCIES:

Commander, Seventh Coast Guard District, Miami, FL
 Director, Atlantic Marine Center, National Ocean Service, Norfolk, VA
 FDA, Regional Shellfish Specialist, Atlanta, GA
 Director, National Park Service, Southeast Region, Atlanta, GA
 Regional Director, National Park Service, Southeast Region, Atlanta, GA
 Regional Director, Fish & Wildlife Service, Atlanta, GA
 Field Supervisor, Fish & Wildlife Service, Jacksonville, FL
 Field Supervisor, Fish and Wildlife Service, Vero Beach, FL
 Regional Hydrologist, U. S. Geological Survey, Atlanta, GA
 District Chief, U. S. Geological Survey, WRD, Tallahassee, FL
 Regional Hydrologist, NOAA, National Weather Service, Ft. Worth, TX
 Southeast River Forecast Center, NOAA, National Weather Service, Atlanta, GA
 Environmental Protection Agency, EA Branch, Review Section, Atlanta, GA
 Environmental Protection Agency, Ofc of Fed Activities, Washington, DC
 Federal Energy Regulatory Commission, Atlanta, GA
 National Marine Fisheries Service, EA Branch, Panama City, FL
 National Marine Fisheries Service, EA Branch, St. Petersburg, FL
 Federal Maritime Commission, Ofc of Energy & Environ. Impact, Wash, DC
 USDA, Soil Conservation Service, Gainesville, FL

STATE AGENCIES:

Executive Dir, DNR, Tallahassee, FL
 DNR, Div of Beaches & Shores, Tallahassee, FL
 Fla. Game & Fresh Water Fish Comm, Lakeland, FL
 Secretary, Dept of Environmental Regulation, Tallahassee, FL
 Dept of Agriculture, Bureau of Soil & Water Conservation, Gainesville, FL
 Director, Florida Game & Fresh Water Fish Commission, Tallahassee, FL
 Dir, Div of Archives, History & Records Management, Tallahassee, FL
 Secretary, Dept of Transportation, Tallahassee, FL
 Sanitary Engineer, Dept of HRS, Jacksonville, FL
 Federal Highway Admin, Tallahassee, FL

ENVIRONMENTAL ORGANIZATIONS:

Executive Director, Florida Audubon Society, Maitland, FL
Executive Director, Florida Wildlife Federation, West Palm Beach, FL

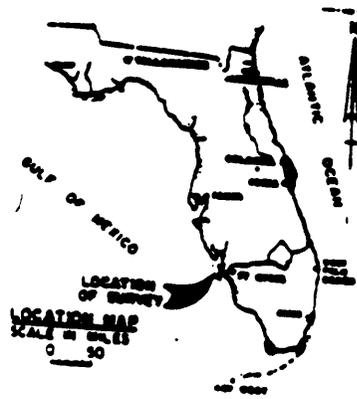
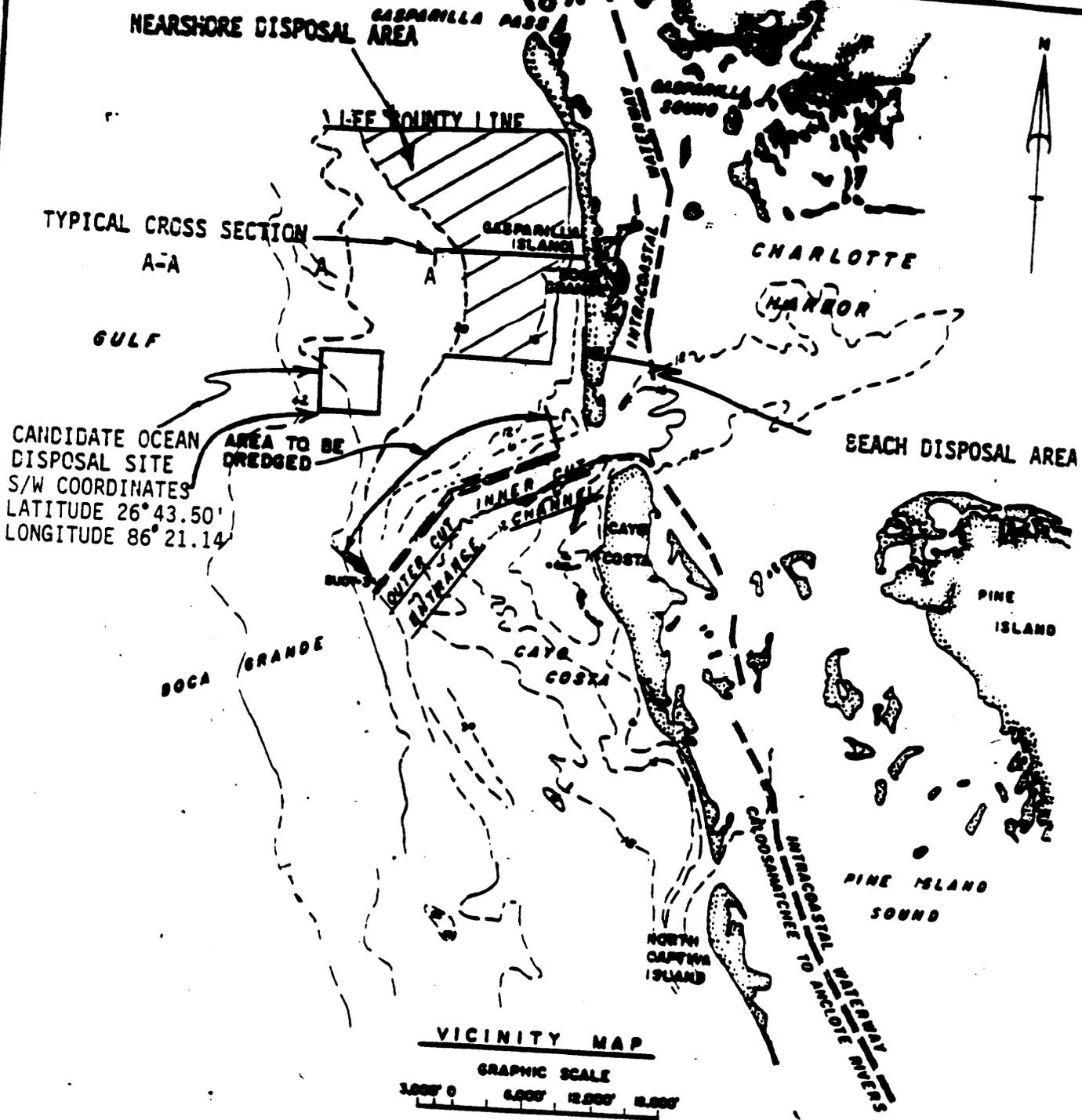
LOCAL GOVERNMENTS:

Chairman, Board of County Commissioners, Lee County
Gasparilla Island Conservation and Improvement Association
James LaRue, Lee County Administrator, Ft Myers, FL
James Yaeger, Lee County Attorney, Ft Myers, FL

FOR THE COMMANDER:



GAIL G. GREN
Chief, Construction-Operations Division



DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT, CORPS OF ENGINEERS JACKSONVILLE, FLORIDA	
CHARLOTTE HARBOR, FLORIDA BOCA GRANDE PASS	
MAINTENANCE DREDGING 32-FOOT PROJECT	
VICINITY MAP	
DATE	REVISION
DRAWN	BY
SCALE AS SHOWN (DATED)	SHEET 1 OF 3

NORTH LIMIT OF COUNTY
PARK
LIGHTHOUSE

BEACH DISPOSAL AREA
4700ft.

PIPELINE EASEMENT AREA
5000ft.

AREA TO BE DREDGED

INNER CUT

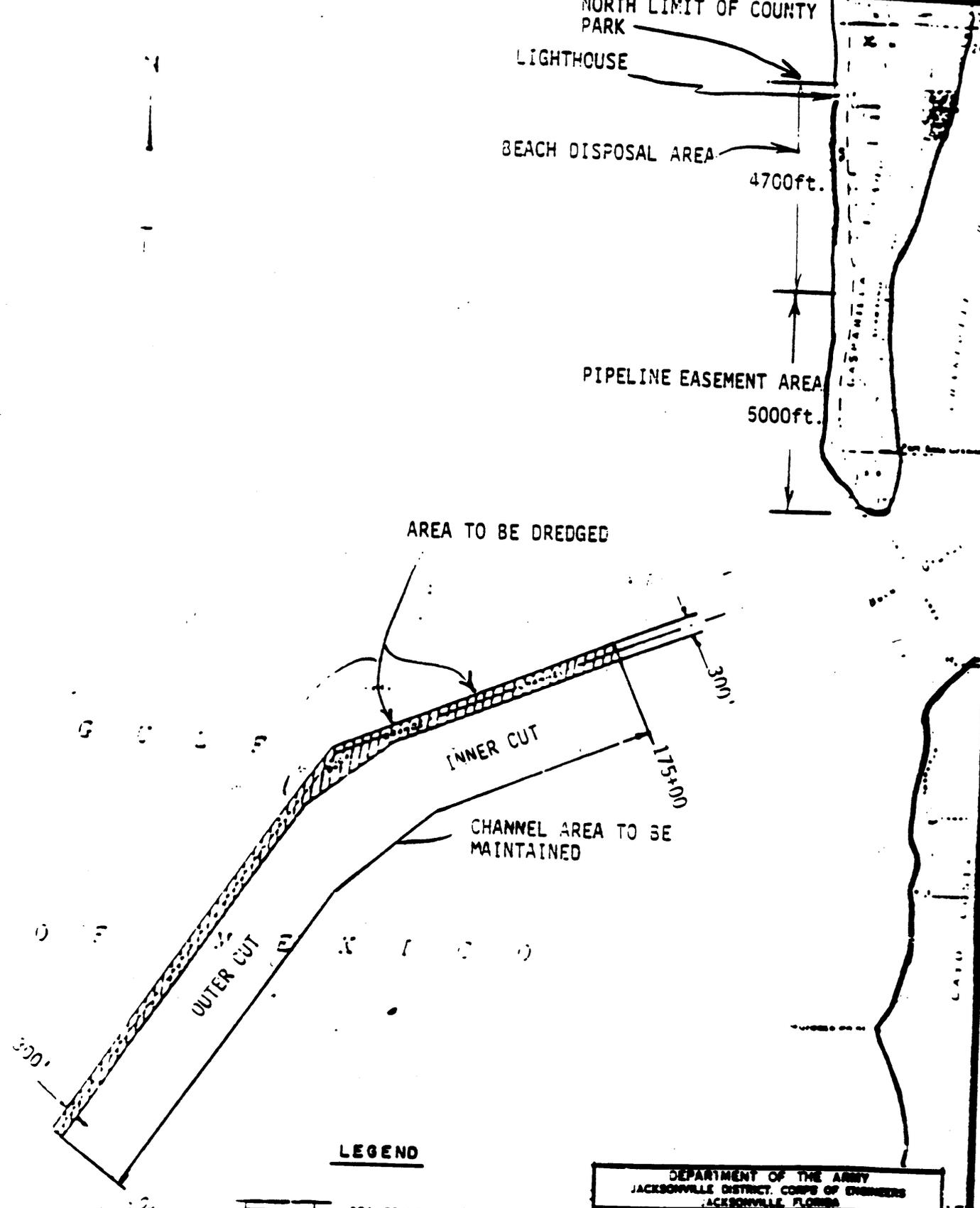
CHANNEL AREA TO BE MAINTAINED

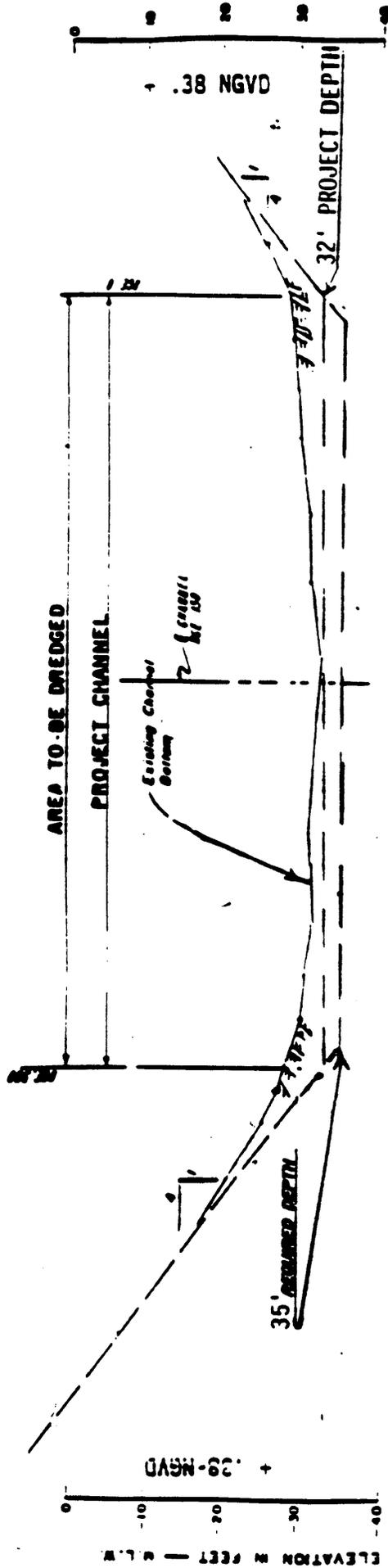
OUTER CUT

LEGEND

 AREA TO BE DREDGED

DEPARTMENT OF THE ARMY	
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS	
JACKSONVILLE, FLORIDA	
CHARLOTTE HARBOR, FLORIDA	
BOCA GRANDE PASS	
PLAN MAP	
32-FOOT PROJECT	
DATE	REVISION
SCALE AS SHOWN (SCALE)	SHEET 2 OF 3





TYPICAL DREDGING SECTION

OUTER CUT AND INNER CUT
0+00 to 175+00

SURVEYORS NOTES:

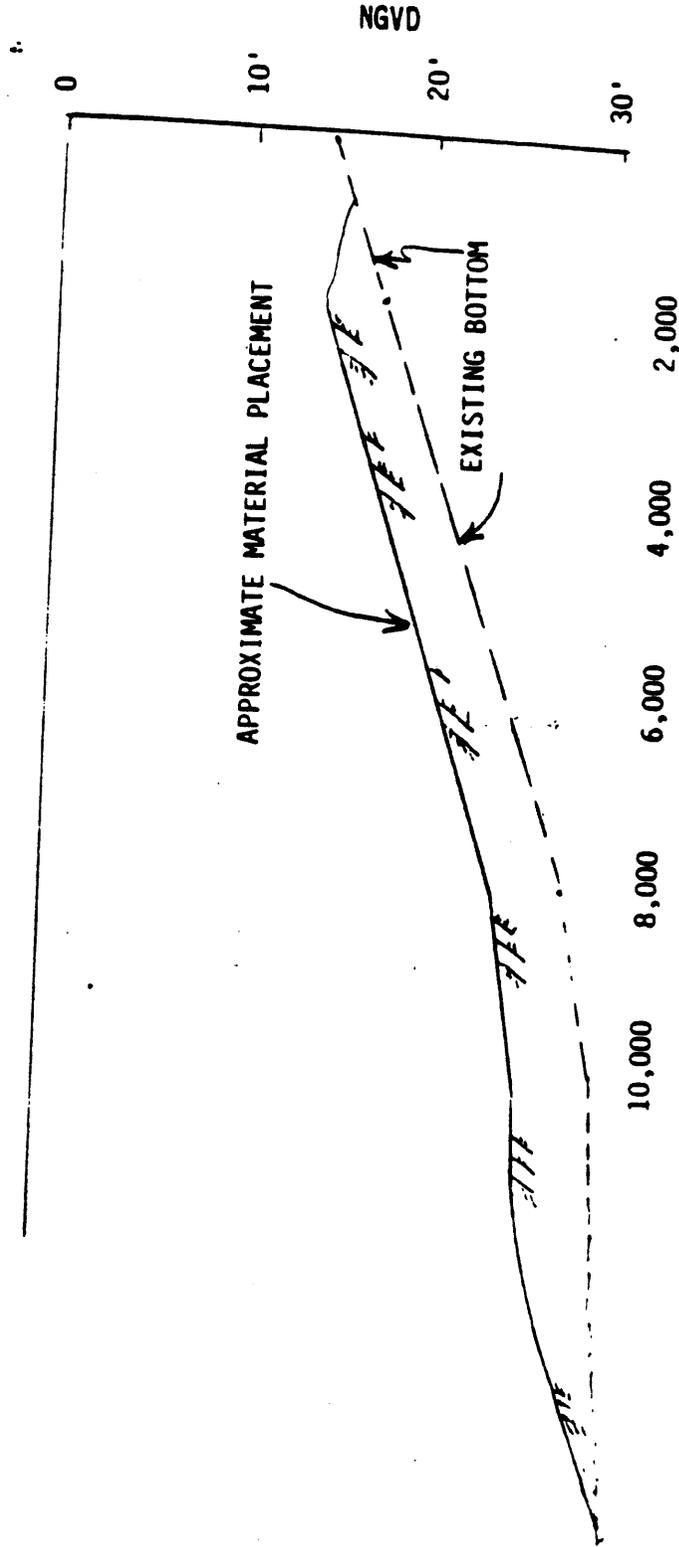
- 1 REFER TO SURVEY NO. 87-040
- 2 SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOW WATER, WHICH IS 0.30 FEET BELOW MEAN SEA LEVEL (NATIONAL GEODETIC VERTICAL DATUM, OF 1929)
- 3 ALL ELEVATIONS ARE BELOW THE REFERENCE PLANE UNLESS PRECEDED BY A PLUS (+) SIGN
- 4 PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR FLORIDA WEST ZONE
- 5 ALL AZIMUTHS ARE G.M.P.; BECOUNTER CLOCKWISE FROM SOUTH
- 6 ALL STATIONING REFERS TO THE CENTERLINE OF THE CHANNEL, WHICH IS RANGE 130
- 7 AIDS TO NAVIGATION WERE LOCATED THIS SURVEY
- 8 TIDE REDUCTIONS (SEE PROJECT SURVEY TABULATIONS ON THIS SHEET)
- 9 THE INFORMATION SPECIFIED ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
- 10 REFER TO: CONTROL DATA SHEET, DO FILE NO. 42-20-364-SHEET 1
- 11 REFER TO FIELD BOOK 87-LEE CO 10
 FATHOMETER TAPES: 2 ROLLS
 300 M. SCS, 2 SCS
- 12 AUTHORIZED PROJECT DEPTHS AS FOLLOWS:
 32 - FOOT OUTER CUT STA 0+00 THRU STA. 100+84
 52 - FOOT INNER CUT STA 100+84 THRU STA. 175+00

TIDE STAFF LOCATION

SIGNAL AREAS

DEPARTMENT OF THE ARMY	
JACKSONVILLE DISTRICT CORPS OF ENGINEERS	
JACKSONVILLE, FLORIDA	
UNASSIGNED TO ANY PROJECT	
MAINTENANCE DREDGING	
32-FOOT PROJECT	
DREDGING SECTION	
DATE	NOV 1954
SCALE AS SHOWN	AS SHOWN
SHEET	3 OF 5

MLW = .30 ft. below NGVD

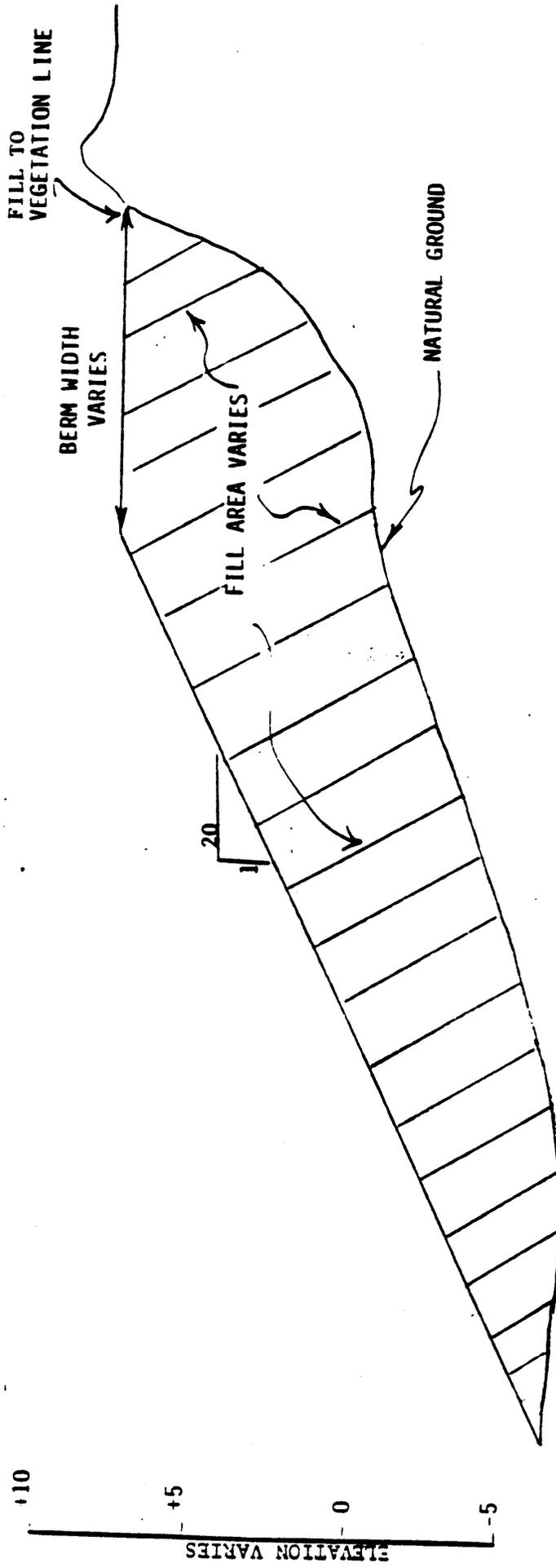


TYPICAL CROSS SECTION A-A
NEARSHORE DISPOSAL AREA

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS
JACKSONVILLE OFFICE
CHARLOTTE, NORTH CAROLINA
DATE: 08/11/78

TYPICAL CROSS SECTION
NEARSHORE DISPOSAL AREA

DATE



BEACH DISPOSAL AREA CROSS-SECTION

DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT CORPS OF ENGINEERS JACKSONVILLE, FLORIDA CHARLOTTE WARBON ALGHOBA SOLICITANTE PASS	MAINTENANCE DREDGING 32-FOOT PROJECT BEACH DISPOSAL SECTION
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