

EDISTO BEACH  
COASTAL STORM DAMAGE REDUCTION  
GENERAL INVESTIGATION STUDY

**APPENDIX M**  
USFWS BIOLOGICAL OPINION



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200  
Charleston, South Carolina 29407

January 31, 2014

Lt. Colonel John T. Litz  
District Engineer  
U.S. Army Corps of Engineers  
69A Hagood Avenue  
Charleston, S.C. 29403-5107

Attn: Mark Messersmith

Re: Edisto Beach Coastal Storm Damage Reduction  
Colleton County, South Carolina  
FWS Log No. 2013-F-0451

Dear Colonel Litz:

This document is the U.S. Fish and Wildlife Service's (Service) Biological Opinion (BO) and Conference Opinion (CO) based on our review of the proposed project, which includes beach renourishment and lengthening of existing groins along the shoreline of the Atlantic Ocean on Edisto Beach, Colleton County, South Carolina. This BO addresses effects on the leatherback sea turtle (*Dermochelys coriacea*), Northwest Atlantic population of the loggerhead sea turtle (*Caretta caretta*) and its critical habitat (proposed for designation), Piping plover (*Charadrius melodus*), Red knot (*Calidris canutus rufa*) (proposed as threatened), and West Indian manatee (*Trichechus manatus*) per section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 United States Code [U.S.C.] 1531 *et seq.*).

Formal consultation was initiated on October 24, 2013. This BO is based on information provided in the Biological Assessment (BA) received on August 20, 2013, the updated BA received on January 9, 2014, and further communication with related parties. A complete administrative record of this consultation is on file at the South Carolina Field Office (SCFO), 176 Croghan Spur Road, Suite 200, Charleston, South Carolina 29407. The Service has assigned Log number 2013-F-0451 to this consultation.

The Service concurs with the U.S. Army Corps of Engineers (Corps) determination of likely to adversely affect (LAA) for the loggerhead sea turtle and not likely to adversely affect (NLAA) for the leatherback sea turtle, piping plover, red knot, and West Indian manatee (**Table 1**). Concurrence for the leatherback sea turtle determination is based upon the rare nesting occurrence of leatherbacks in the State and the project minimization measures in place for loggerhead sea turtles. Concurrence for the piping plover and the red knot is based upon the documented limited use of the area by both species. Concurrence for the West Indian manatee determination is based upon inclusion of the standard Manatee Conditions for

In-Water Work (**Appendix A**). Although the Corps considered the green sea turtle (*Chelonia mydas*) in the BA, they did not make an effect determination. Green sea turtles have not been documented within the project area, but they have been documented nesting in South Carolina in rare instances. It is the Services opinion that this project is NLAA the green sea turtle based upon the rare nesting occurrence of green sea turtles in the State and the project minimization measures in place for loggerhead sea turtles.

**Table 1. Species and Critical Habitat Evaluated for Effects from the Proposed Action but not discussed further in this Biological Opinion.**

SPECIES OR CRITICAL HABITAT	PRESENT IN ACTION AREA	PRESENT IN ACTION AREA BUT “NOT LIKELY TO ADVERSELY AFFECT”
Green sea turtle	Possible	Yes
Leatherback sea turtle	Possible	Yes
Piping plover	Possible	Yes
Red knot (proposed as T)	Possible	Yes
West Indian manatee	Possible	Yes

**CONSULTATION HISTORY**

**January 20, 2012** – The Service received the Corps’ January 25, 2012, request regarding future coordination for the Town of Edisto Storm Damage Reduction Feasibility Study.

**January 25, 2012** – The Service provided a letter to the Corps acknowledging continued coordination of the project under the Fish and Wildlife Coordination Act.

**August 23, 2013** – The Service received the Corps’ August 20, 2013, request for comments on the Draft Ecological Assessment (EA) and Draft Finding of No Significant Impact (FONSI).

**September 11, 2013** – The Service submitted comments and recommendations to the Corps regarding the Draft FONSI and EA.

**September 30, 2013** – The Service received the Corps’ September 27, 2013, request to initiate formal consultation on the loggerhead sea turtle.

**October 24, 2013** – The Service submitted comments to the Corps acknowledging the receipt of all information necessary to initiate formal consultation.

**January 9, 2014** – The Service received an updated BA from the Corps.

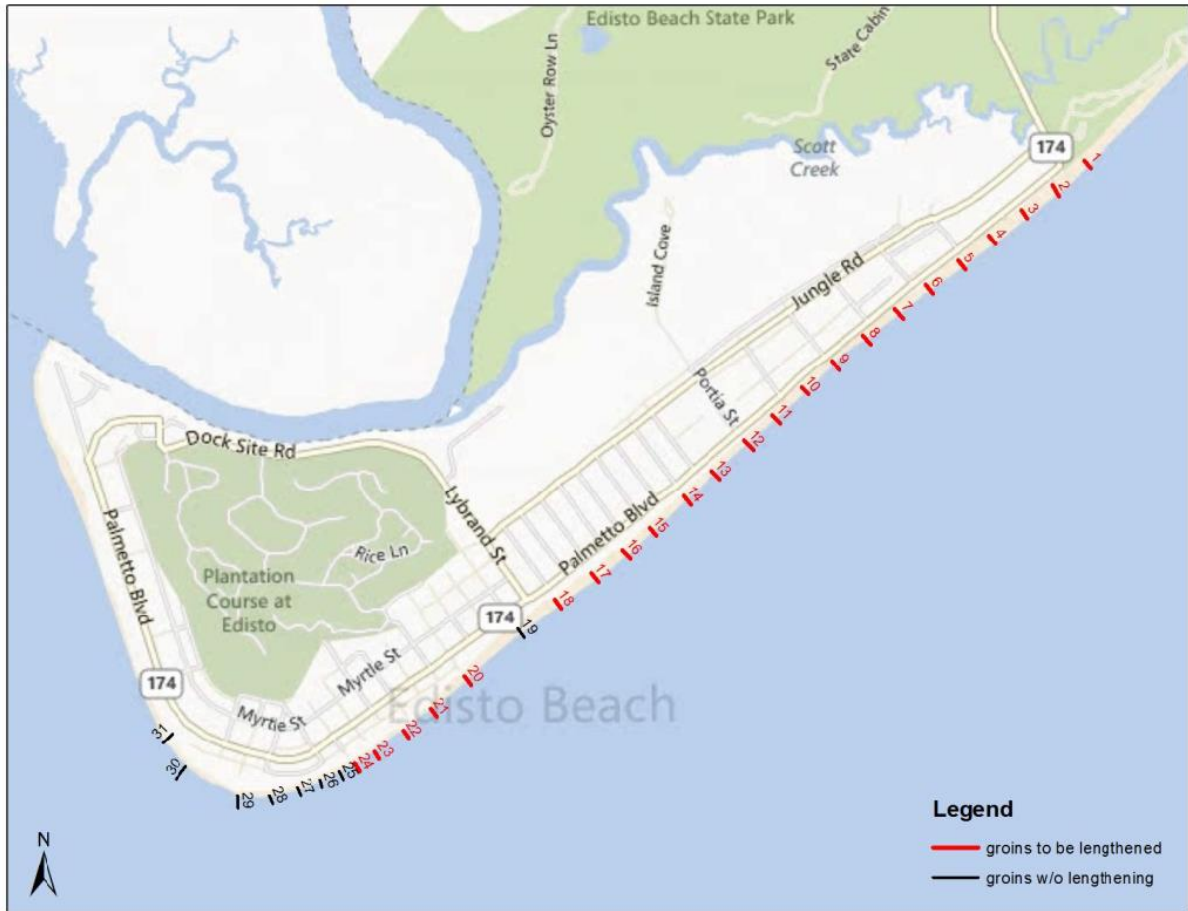
## BIOLOGICAL AND CONFERENCE OPINION

### DESCRIPTION OF THE PROPOSED ACTION

The proposed action is a beach nourishment, berm construction, and groin lengthening project along the Atlantic Ocean shoreline of the Town of Edisto Beach and Edisto Beach State Park in Colleton County, South Carolina. Specifically, the project consists of the following elements: 1) Construction of a 15 foot high, 15 foot wide sand dune along 16,530 feet of shoreline; 2) Construction of a 75 foot long, seven foot high sand berm in front of the dune along 7,740 feet of shoreline, which would tie into the existing beach profile; and 3) Lengthening a total of approximately 1,130 feet across 23 of the existing groins (**Figure 1 and 2**).



**Figure 1. Town of Edisto Beach and Edisto Beach State Park project footprint (Corps 2014)**



**Figure 2. Location of groins to be lengthened within the project area (Corps 2014)**

### Conservation Measures

The Corps had proposed to incorporate the following conservation measures into the project:

- If any construction of the project occurs during the period between May 1 and September 15, the dredging contractor will provide nighttime monitoring along the beach where construction is taking place to ensure the safety of female turtles attempting to nest. Construction activities will cease if a sea turtle is sighted on an area of the beach scheduled for fill until the turtle returns to the ocean. A buffer zone around the female will be imposed in the event of an attempt to nest.
- If any construction of the project occurs during the period between May 1 and September 15, daily nesting surveys will be conducted starting either May 1 or 65 days prior to the start of construction, whichever is later. These surveys will be performed between sunrise and 9 a.m. and will continue until the end of the project, or September 15, whichever is earlier. Any nests found in the area that will be impacted by construction activities will be moved to a safe location. The nesting

surveys and nest relocations will only be performed by people with a valid South Carolina Department of Natural Resources (SCDNR) permit.

- If all construction of the project occurs during the period from September 15 to April 30, no nesting surveys will be performed.
- For construction activities occurring during the period of May 1 through October 31, staging areas for equipment and supplies will be located off of the beach to the maximum extent possible.
- For construction activities occurring during the period of May 1 through October 31, use of heavy equipment will be limited to the area undergoing renourishment or dune building or shaping.
- For construction activities occurring during the period of May 1 through October 31, all on-beach lighting associated with the project will be limited to the minimum amount necessary around active construction areas to satisfy Occupational Safety and Health Administration requirements.
- For construction activities occurring during the period of May 1 through October 31, predator proof trash receptacles will be used to minimize the presence of predators.
- The Corps will require the use of sea turtle deflecting dragheads if a hopper dredge is used.
- The Service and SCDNR will be notified immediately if a sea turtle, nest, or hatchlings are impacted by construction activities.
- A pre-construction meeting will be held between the contractor, the SCFO, and SCDNR if construction activities will occur between May 1 and October 31.
- Immediately after completion of the project, the Corps will perform tilling to a depth of 24 inches in order to reduce compaction associated with newly placed sand. Visual surveys for escarpments along the project area will be made immediately after completion of the project and prior to May 1 for three subsequent years, if needed. Results of the surveys will be submitted to the Service prior to any action being taken. Since the project should not occur during the sea turtle nesting season, escarpment leveling will not be performed until immediately prior to the nesting season. The SCFO will be contacted immediately if subsequent reformation of escarpments exceeding 18 inches in height for a distance of 100 feet occurs during nesting and hatching season. This coordination will determine what appropriate action must be taken. An annual summary of escarpment surveys and action taken will be submitted to the SCFO.

Refer to the Reasonable and Prudent Measures and Terms and Conditions (p. 51) to see how these proposed conservation measures have been modified.

### **Action Area**

The “action area” is defined in 50 CFR §402.02 Interagency Cooperation as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.

The Service has described the action area to include the shorelines of Botany Bay Island, Botany Bay Plantation, Interlude Beach, Edingsville Beach, Pine Island, and Otter Island for reasons explained and discussed in the “Effects of the Action” section of this consultation.

### **LOGGERHEAD SEA TURTLE**

The Service and National Marine Fisheries Service (NMFS) share Federal jurisdiction for sea turtles under the ESA. The Service has responsibility for sea turtles on the nesting beach. The NMFS has jurisdiction for sea turtles in the marine environment. In accordance with the ESA, the Service completes consultations with all Federal agencies for actions that may adversely affect sea turtles on the nesting beach. The Service’s analysis only addresses activities that may impact nesting sea turtles, their nests and eggs, and hatchlings as they emerge from the nest and crawl to the sea. NMFS assesses and consults with Federal agencies concerning potential impacts to sea turtles in the marine environment, including updrift and downdrift nearshore areas affected by sand placement projects on the beach.

### **STATUS OF THE SPECIES/CRITICAL HABITAT**

#### *Listing*

The loggerhead sea turtle, which occurs throughout the temperate and tropical regions of the Atlantic, Pacific, and Indian Oceans, was federally listed worldwide as a threatened species on July 28, 1978 (43 Federal Register (FR) 32800). On September 22, 2011, the loggerhead sea turtle’s listing under the ESA was revised from a single threatened species to nine distinct population segments (DPS) listed as either threatened or endangered. The nine DPSs and their statuses are:

Northwest Atlantic Ocean DPS – threatened  
Northeast Atlantic Ocean – endangered  
Mediterranean Sea DPS – endangered  
South Atlantic Ocean DPS – threatened  
North Pacific Ocean DPS – endangered  
South Pacific Ocean DPS – endangered  
North Indian Ocean DPS – endangered  
Southwest Indian Ocean – threatened  
Southeast Indo-Pacific Ocean DPS – threatened

The loggerhead sea turtle grows to an average weight of about 200 pounds and is characterized by a large head with blunt jaws. Adults and subadults have a reddish-brown carapace. Scales on the top of the head and top of the flippers are also reddish-brown with yellow on the borders. Hatchlings are a dull brown color (National Marine Fisheries Service (NMFS) 2009). The loggerhead feeds on mollusks, crustaceans, fish, and other marine animals.

The loggerhead may be found hundreds of miles out to sea, as well as in inshore areas such as bays, lagoons, salt marshes, creeks, ship channels, and the mouths of large rivers. Coral reefs, rocky places, and ship wrecks are often used as feeding areas. Within the Northwest Atlantic, the majority of nesting activity occurs from April through September, with a peak in June and July (Williams-Walls et al. 1983, Dodd 1988, Weishampel et al. 2006). Nesting occurs within the Northwest Atlantic along the coasts of North America, Central America, northern South America, the Antilles, Bahamas, and Bermuda, but is concentrated in the southeastern United States and on the Yucatán Peninsula in Mexico on open beaches or along narrow bays having suitable sand (Sternberg 1981, Ehrhart 1989, Ehrhart et al. 2003, NMFS and Service 2008).

#### *Designated Critical Habitat*

On March 25, 2013, the Service proposed to designate critical habitat for the Northwest Atlantic Ocean Distinct Population Segment of the loggerhead sea turtle (78 FR 18000). In total, 1,189.9 kilometers (km) (739.3 miles) of loggerhead sea turtle nesting beaches have been proposed for designation as critical habitat in the States of North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.

#### *Proposed Critical Habitat Physical or Biological Features (PBFs)*

In accordance with section 3(5)(A)(i) and 4(b)(1)(A) of the ESA and regulations at 50 CFR 424.12, in determining which areas within the geographical area occupied by the species at the time of listing to designate as critical habitat, the Service considers the physical or biological features (PBFs) that are essential to the conservation of the species and which may require special management considerations or protection. These include, but are not limited to:

- (1) Space for individual and population growth and for normal behavior;
- (2) Food, water, air, light, minerals, or other nutritional or physiological requirements;
- (3) Cover or shelter;
- (4) Sites for breeding, reproduction, or rearing (or development) of offspring; and
- (5) Habitats that are protected from disturbance or are representative of the historical, geographic, and ecological distributions of a species.



The Service derived the specific physical or biological features essential for the loggerhead sea turtle from studies of this species' habitat, ecology, and life history based on the following methods. Shaffer and Stein (2000) identify a methodology for conserving imperiled species known as the "three Rs": representation, resiliency, and redundancy. Representation, or preserving some of everything, means conserving not just a species but its associated habitats. Resiliency and redundancy ensure there is enough of a species so it can survive into the future. Resiliency means ensuring that the habitat is adequate for a species and its representative components. Redundancy ensures an adequate number of sites and individuals. This methodology has been widely accepted as a reasonable conservation strategy (Tear *et al.* 2005). In applying this strategy to terrestrial critical habitat for loggerheads, we have determined that it is important to conserve: (1) Beaches that have the highest nesting densities (representation); (2) beaches that have a good geographic spatial distribution to ensure protection of genetic diversity (resiliency and redundancy); (3) beaches that collectively provide a good representation of total nesting (representation); and (4) beaches adjacent to the high density nesting beaches that can serve as expansion areas and provide sufficient habitat to accommodate and provide a rescue effect for nesting females whose primary nesting beach has been lost (resiliency and redundancy). Therefore, we have determined that the following physical or biological features are essential for the loggerhead sea turtle (78 FR 18000):

PBF 1 – Sites for Breeding, Reproduction, or Rearing (or Development) of Offspring

PBF 2 – Habitats Protected From Disturbance or Representative of the Historical, Geographic, and Ecological Distributions of the Species

*Proposed Critical Habitat Primary Constituent Elements (PCEs)*

Under the ESA and its implementing regulations, we are required to identify the physical or biological features essential to the conservation of the loggerhead sea turtle in areas occupied at the time of listing, focusing on the features' primary constituent elements (PCEs). We consider primary constituent elements to be those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Based on our current knowledge of the physical or biological features and habitat characteristics required to sustain the species' life-history processes, we determine that the terrestrial primary constituent elements specific to the Northwest Atlantic Ocean DPS of the loggerhead sea turtle are:

PCE 1 – Suitable nesting beach habitat that has (a) relatively unimpeded nearshore access from the ocean to the beach for nesting females and from the beach to the ocean for both post-nesting females and hatchlings and (b) is located above mean high water to avoid being inundated frequently by high tides.

PCE 2 – Sand that (a) allows for suitable nest construction, (b) is suitable for facilitating gas diffusion conducive to embryo development, and (c) is able to develop and maintain temperatures and a moisture content conducive to embryo development.

PCE 3 – Suitable nesting beach habitat with sufficient darkness to ensure nesting turtles are not deterred from emerging onto the beach and hatchlings and post nesting females orient to the sea.

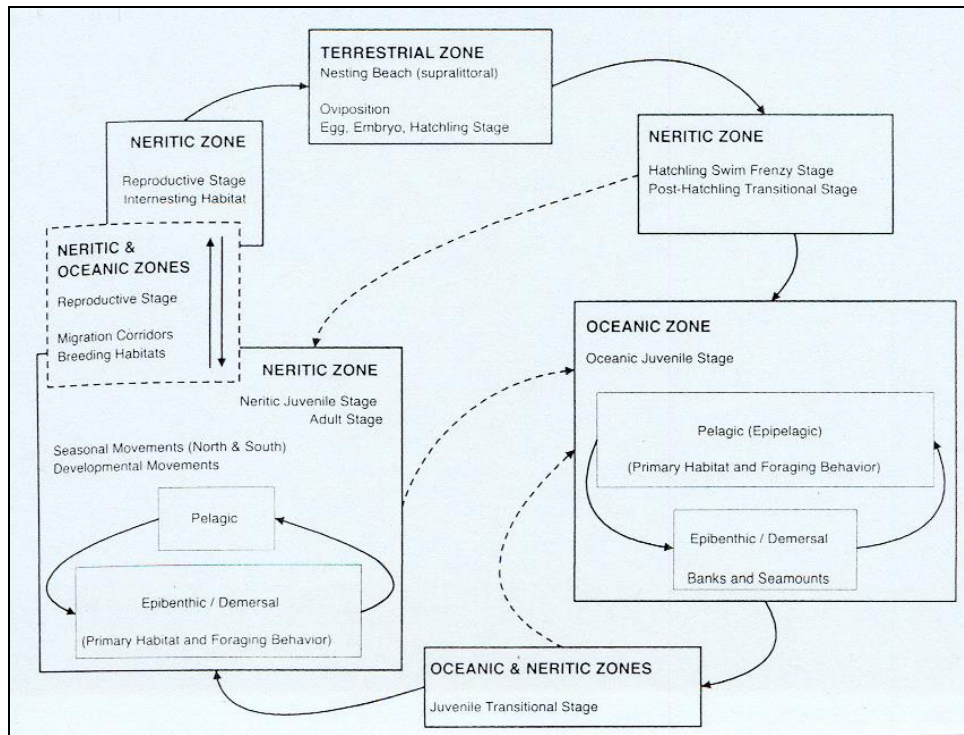
### *Life history*

Loggerheads are long-lived, slow-growing animals that use multiple habitats across entire ocean basins throughout their life history. This complex life history encompasses terrestrial, nearshore, and open ocean habitats. The three basic ecosystems in which loggerheads live are the:

1. Terrestrial zone (supralittoral) - the nesting beach where oviposition (egg laying) and embryonic development and hatching occur.
2. Neritic zone - the inshore marine environment (from the surface to the sea floor) where water depths do not exceed 656 feet. The neritic zone generally includes the continental shelf, but in areas where the continental shelf is very narrow or nonexistent, the neritic zone conventionally extends to areas where water depths are less than 656 feet.
3. Oceanic zone - the vast open ocean environment (from the surface to the sea floor) where water depths are greater than 656 feet.

Maximum intrinsic growth rates of sea turtles are limited by the extremely long duration of the juvenile stage and fecundity. Loggerheads require high survival rates in the juvenile and adult stages, which are common constraints critical to maintaining long-lived, slow-growing species, to achieve positive or stable long-term population growth (Congdon et al. 1993, Heppell 1998, Crouse 1999, Heppell et al. 1999, 2003, Musick 1999).

The generalized life history of Atlantic loggerheads is shown in **Figure 3** (from Bolten 2003).



**Figure 3. Life history stages of a loggerhead turtle. The boxes represent life stages and the corresponding ecosystems, solid lines represent movements between life stages and ecosystems, and dotted lines are speculative (Bolten 2003).**

Numbers of nests and nesting females are often highly variable from year to year due to a number of factors including environmental stochasticity, periodicity in ocean conditions, anthropogenic effects, and density-dependent and density-independent factors affecting survival, somatic growth, and reproduction (Meylan 1982, Hays 2000, Chaloupka 2001, Solow et al. 2002). Despite these sources of variation, and because female turtles exhibit strong nest site fidelity, a nesting beach survey can provide a valuable assessment of changes in the adult female population, provided that the study is sufficiently long and effort and methods are standardized (Meylan 1982, Gerrodette and Brandon 2000, Reina et al. 2002). **Table 2** summarizes key life history characteristics for loggerheads nesting in the U.S.

**Table 2. Typical values of life history parameters for loggerheads nesting in the U.S. (NMFS and Service 2008).**

<b>Life History Trait</b>	<b>Data</b>
Clutch size (mean)	100-126 eggs <sup>1</sup>
Incubation duration (varies depending on time of year and latitude)	Range = 42-75 days <sup>2,3</sup>
Pivotal temperature (incubation temperature that produces an equal number of males and females)	84°F <sup>5</sup>
Nest productivity (emerged hatchlings/total eggs) x 100 (varies depending on site specific factors)	45-70 percent <sup>2,6</sup>
Clutch frequency (number of nests/female/season)	3-4 nests <sup>7</sup>
Interesting interval (number of days between successive nests within a season)	12-15 days <sup>8</sup>
Juvenile (<34 inches Curved Carapace Length) sex ratio	65-70 percent female <sup>4</sup>
Remigration interval (number of years between successive nesting migrations)	2.5-3.7 years <sup>9</sup>
Nesting season	late April-early September
Hatching season	late June-early November
Age at sexual maturity	32-35 years <sup>10</sup>
Life span	>57 years <sup>11</sup>

<sup>1</sup> Dodd (1988).

<sup>2</sup> Dodd and Mackinnon (1999, 2000, 2001, 2002, 2003, 2004).

<sup>3</sup> Witherington (2006) (information based on nests monitored throughout Florida beaches in 2005, n = 865).

<sup>4</sup> NMFS (2001); Foley (2005).

<sup>5</sup> Mrosovsky (1988).

<sup>6</sup> Witherington (2006) (information based on nests monitored throughout Florida beaches in 2005, n = 1,680).

<sup>7</sup> Murphy and Hopkins (1984); Frazer and Richardson (1985); Hawkes et al. 2005; Scott 2006.

<sup>8</sup> Dodd (1988).

<sup>9</sup> Richardson et al. (1978); Bjorndal et al. (1983).

<sup>10</sup> Snover (2005).

<sup>11</sup> Dahlen et al. (2000).

Loggerheads nest on ocean beaches and occasionally on estuarine shorelines with suitable sand. Nests are typically laid between the high tide line and the dune front (Routa 1968, Witherington 1986, Hailman and Elowson 1992). Wood and Bjorndal (2000) evaluated four environmental factors (slope, temperature, moisture, and salinity) and found that slope had the greatest influence on loggerhead nest-site selection on a beach in Florida. Loggerheads appear to prefer relatively narrow, steeply sloped, coarse-grained beaches, although nearshore contours may also play a role in nesting beach site selection (Provanha and Ehrhart 1987).

The warmer the sand surrounding the egg chamber, the faster the embryos develop (Mrosovsky and Yntema 1980). Sand temperatures prevailing during the middle third of the incubation period also determine the sex of hatchling sea turtles (Mrosovsky and Yntema 1980). Incubation temperatures near the upper end of the tolerable range produce only female hatchlings while incubation temperatures near the lower end of the tolerable range produce only male hatchlings.

Loggerhead hatchlings pip and escape from their eggs over a 1- to 3-day interval and move upward and out of the nest over a 2- to 4-day interval (Christens 1990). The time from pipping to emergence ranges from 4 to 7 days with an average of 4.1 days (Godfrey and Mrosovsky 1997). Hatchlings emerge from their nests en masse almost exclusively at night, and presumably using decreasing sand temperature as a cue (Hendrickson 1958, Mrosovsky 1968, Witherington et al. 1990). Moran et al. (1999) concluded that a lowering of sand temperatures below a critical threshold, which most typically occurs after nightfall, is the most probable trigger for hatchling emergence from a nest. After an initial emergence, there may be secondary emergences on subsequent nights (Carr and Ogren 1960, Witherington 1986, Ernest and Martin 1993, Houghton and Hays 2001).

Hatchlings use a progression of orientation cues to guide their movement from the nest to the marine environments where they spend their early years (Lohmann and Lohmann 2003). Hatchlings first use light cues to find the ocean. On naturally lighted beaches without artificial lighting, ambient light from the open sky creates a relatively bright horizon compared to the dark silhouette of the dune and vegetation landward of the nest. This contrast guides the hatchlings to the ocean (Daniel and Smith 1947, Limpus 1971, Salmon et al. 1992, Witherington and Martin 1996, Witherington 1997, Stewart and Wyneken 2004).

Loggerheads in the Northwest Atlantic display complex population structure based on life history stages. Based on mitochondrial deoxyribonucleic acid (mtDNA), oceanic juveniles show no structure, neritic juveniles show moderate structure, and nesting colonies show strong structure (Bowen et al. 2005). In contrast, a survey using microsatellite (nuclear) markers showed no significant population structure among nesting populations (Bowen et al. 2005), indicating that while females exhibit strong philopatry, males may provide an avenue of gene flow between nesting colonies in this region.

### *Population dynamics*

The loggerhead occurs throughout the temperate and tropical regions of the Atlantic, Pacific, and Indian Oceans (Dodd 1988). However, the majority of loggerhead nesting is at the western rims of the Atlantic and Indian Oceans. The most recent reviews show that only two loggerhead nesting beaches have greater than 10,000 females nesting per year (Baldwin et al. 2003, Ehrhart et al. 2003, Kamezaki et al. 2003, Limpus and Limpus 2003, Margaritoulis et al. 2003): Peninsular Florida (U.S.) and Masirah (Oman). Those beaches with 1,000 to 9,999 females nesting each year are Georgia through North Carolina (U.S.), Quintana Roo and Yucatán (Mexico), Cape Verde Islands (Cape Verde, eastern Atlantic off Africa), and Western Australia (Australia). Smaller nesting aggregations with 100 to 999 nesting females annually occur in the Northern Gulf of Mexico (U.S.), Dry Tortugas (U.S.), Cay Sal Bank (Bahamas), Sergipe and Northern Bahia (Brazil), Southern Bahia to Rio de Janeiro (Brazil), Tongaland (South Africa), Mozambique, Arabian Sea Coast (Oman), Halaniyat Islands (Oman), Cyprus, Peloponnesus (Greece), Island of Zakynthos (Greece), Turkey, Queensland (Australia), and Japan.

The loggerhead is commonly found throughout the North Atlantic including the Gulf of Mexico, the northern Caribbean, the Bahamas archipelago, and eastward to West Africa, the western Mediterranean, and the west coast of Europe.

The major nesting concentrations in the U.S. are found in South Florida. However, loggerheads nest from Texas to Virginia. Total estimated nesting in the U.S. has fluctuated between 49,000 and 90,000 nests per year from 1999-2010 (NMFS and Service 2008, FWC/FWRI 2010). About 80 percent of loggerhead nesting in the southeast U.S. occurs in six Florida counties (Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward Counties). Adult loggerheads are known to make considerable migrations between foraging areas and nesting beaches (Schroeder et al. 2003, Foley et al. 2008). During non-nesting years, adult females from U.S. beaches are distributed in waters off the eastern U.S. and throughout the Gulf of Mexico, Bahamas, Greater Antilles, and Yucatán.

From a global perspective, the U.S. nesting aggregation is of paramount importance to the survival of the species as is the population that nests on islands in the Arabian Sea off Oman (Ross 1982, Ehrhart 1989, Baldwin et al. 2003). Based on standardized daily surveys of the highest nesting beaches and weekly surveys on all remaining island nesting beaches, approximately 50,000, 67,600, and 62,400 nests, were estimated in 2008, 2009, and 2010, respectively (Conant et al. 2009). The status of the Oman loggerhead nesting population, reported to be the largest in the world (Ross 1979), is uncertain because of the lack of long-term standardized nesting or foraging ground surveys and its vulnerability to increasing development pressures near major nesting beaches and threats from fisheries interaction on foraging grounds and migration routes (Possardt 2005). The loggerhead nesting aggregations in Oman and the U.S. account for the majority of nesting worldwide.

### *Status and distribution*

Five recovery units have been identified in the Northwest Atlantic based on genetic differences and a combination of geographic distribution of nesting densities, geographic separation, and geopolitical boundaries (NMFS and Service 2008). Recovery units are subunits of a listed species that are geographically or otherwise identifiable and essential to the recovery of the species. Recovery units are individually necessary to conserve genetic robustness, demographic robustness, important life history stages, or some other feature necessary for long-term sustainability of the species. The five recovery units identified in the Northwest Atlantic are:

1. Northern Recovery Unit (NRU) - defined as loggerheads originating from nesting beaches from the Florida-Georgia border through southern Virginia (the northern extent of the nesting range);
2. Peninsula Florida Recovery Unit (PFRU) - defined as loggerheads originating from nesting beaches from the Florida-Georgia border through Pinellas County on the west coast of Florida, excluding the islands west of Key West, Florida;
3. Dry Tortugas Recovery Unit (DTRU) - defined as loggerheads originating from nesting beaches throughout the islands located west of Key West, Florida;
4. Northern Gulf of Mexico Recovery Unit (NGMRU) - defined as loggerheads originating from nesting beaches from Franklin County on the northwest Gulf coast of Florida through Texas; and
5. Greater Caribbean Recovery Unit (GCRU) - composed of loggerheads originating from all other nesting assemblages within the Greater Caribbean (Mexico through French Guiana, The Bahamas, Lesser Antilles, and Greater Antilles).

The mtDNA analyses show that there is limited exchange of females among these recovery units (Ehrhart 1989, Foote et al. 2000, NMFS 2001, Hawkes et al. 2005). Based on the number of haplotypes, the highest level of loggerhead mtDNA genetic diversity in the Northwest Atlantic has been observed in females of the GCRU that nest at Quintana Roo, Mexico (Encalada et al. 1999, Nielsen 2010).

Nuclear DNA analyses show that there are no substantial subdivisions across the loggerhead nesting colonies in the southeastern U.S. Male-mediated gene flow appears to be keeping the subpopulations genetically similar on a nuclear DNA level (Francisco-Pearce 2001).

Historically, the literature has suggested that the northern U.S. nesting beaches (NRU and NGMRU) produce a relatively high percentage of males and the more southern nesting beaches (PFRU, DTRU, and GCRU) a relatively high percentage of females (e.g., Hanson et al. 1998, NMFS 2001, Mrosovsky and Provanca 1989). The NRU and NGMRU were

believed to play an important role in providing males to mate with females from the more female-dominated subpopulations to the south. However, in 2002 and 2003, researchers studied loggerhead sex ratios for two of the U.S. nesting subpopulations, the northern and southern subpopulations (NGU and PFRU, respectively) (Blair 2005, Wyneken et al. 2005). The study produced interesting results. In 2002, the northern beaches produced more females and the southern beaches produced more males than previously believed. However, the opposite was true in 2003 with the northern beaches producing more males and the southern beaches producing more females in keeping with prior literature. Wyneken et al. (2005) speculated that the 2002 result may have been anomalous; however, the study did point out the potential for males to be produced on the southern beaches. Although this study revealed that more males may be produced on southern recovery unit beaches than previously believed, the Service maintains that the NRU and NGMRU play an important role in the production of males to mate with females from the more southern recovery units.

The NRU is the second largest loggerhead recovery unit within the Northwest Atlantic Ocean DPS. Annual nest totals from northern beaches averaged 5,215 nests from 1989-2008, a period of near-complete surveys of NRU nesting beaches, representing approximately 1,272 nesting females per year (4.1 nests per female, Murphy and Hopkins 1984) (NMFS and Service 2008). Nesting in Georgia reached a new record in 2011 (2,004) followed by another record in 2012 (2,245 nests). South Carolina had the two highest years of nesting in the 2000s in 2011 (4,024 nests) and 2012 (4,628 nests). North Carolina had 967 nests in 2011 and 1103 nests in 2012, which is above the average of 715. The Georgia, South Carolina, and North Carolina nesting data come from the [seaturtle.org](http://seaturtle.org) Sea Turtle Nest Monitoring System, which is populated with data input by the State agencies. The loggerhead nesting trend from daily beach surveys was declining significantly at 1.3 percent annually from 1983 to 2007 (NMFS and Service 2008). Nest totals from aerial surveys conducted by the South Carolina Department of Natural Resources showed a 1.9 percent annual decline in nesting in South Carolina from 1980-2007. Overall, there is strong statistical data to suggest the NRU has experienced a long-term decline (NMFS and Service 2008). Currently, however, nesting for the NRU is showing possible signs of stabilizing (76 FR 58868, September 22, 2011).

The PFRU is the largest loggerhead recovery unit within the Northwest Atlantic Ocean DPS and represents approximately 87 percent of all nesting effort in the DPS (Ehrhart et al. 2003). A near-complete nest census of the PFRU undertaken from 1989 to 2007 revealed a mean of 64,513 loggerhead nests per year representing approximately 15,735 females nesting per year (4.1 nests per female, Murphy and Hopkins 1984) (FWC 2008, NMFS and Service 2008). This near-complete census provides the best statewide estimate of total abundance, but because of variable survey effort, these numbers cannot be used to assess trends. Loggerhead nesting trends are best assessed using standardized nest counts made at Index Nesting Beach Survey (INBS) sites surveyed with constant effort over time. In 1979, the Statewide Nesting Beach Survey (SNBS) program was initiated to document the total distribution, seasonality, and abundance of sea turtle nesting in Florida. In 1989, the INBS program was initiated in Florida to measure seasonal productivity, allowing comparisons between beaches and between years (FWC 2009). Of the 190 SNBS surveyed areas, 33 participate in the INBS program (representing 30 percent of the SNBS beach length).



Using INBS nest counts, a significant declining trend was documented for the Peninsular Florida Recovery Unit, where nesting declined 26 percent over the 20-year period from 1989–2008, and declined 41 percent over the period 1998-2008 (NMFS and Service 2008, Witherington et al. 2009). However, with the addition of nesting data through 2010, the nesting trend for the PFRU did not show a nesting decline statistically different from zero (76 FR 58868, September 22, 2011).

The NGMRU is the third largest nesting assemblage among the four U.S. recovery units. Nesting surveys conducted on approximately 186 miles of beach within the NGMRU (Alabama and Florida only) were undertaken between 1995 and 2007 (statewide surveys in Alabama began in 2002). The mean nest count during this 13-year period was 906 nests per year, which equates to about 221 females nesting per year (4.1 nests per female, Murphy and Hopkins 1984, FWC 2008, NMFS and Service 2008). Evaluation of long-term nesting trends for the NGMRU is difficult because of changed and expanded beach coverage. Loggerhead nesting trends are best assessed using standardized nest counts made at INBS sites surveyed with constant effort over time. Using Florida INBS data for the NGMRU (FWC 2008), a log-linear regression showed a significant declining trend of 4.7 percent annually from 1997-2008 (NMFS and Service 2008).

The DTRU, located west of the Florida Keys, is the smallest of the identified recovery units. A near-complete nest census of the DTRU was undertaken from 1995 to 2004, excluding 2002, (9 years surveyed) revealed a mean of 246 nests per year, which equates to about 60 females nesting per year (4.1 nests per female, Murphy and Hopkins 1984, FWC 2008, NMFS and Service 2008). The nesting trend data for the DTRU are from beaches that are not part of the INBS program, but are part of the SNBS program. A simple linear regression of 1995-2004 nesting data, accounting for temporal autocorrelation, revealed no trend in nesting numbers. Because of the annual variability in nest totals, it was determined that a longer time series is needed to detect a trend (NMFS and Service 2008).

The GCRU is composed of all other nesting assemblages of loggerheads within the Greater Caribbean and is the third largest recovery unit within the Northwest Atlantic Ocean DPS, with the majority of nesting at Quintana Roo, Mexico. Statistically valid analyses of long-term nesting trends for the entire GCRU are not available because there are few long-term standardized nesting surveys representative of the region. Additionally, changing survey effort at monitored beaches and scattered and low-level nesting by loggerheads at many locations currently precludes comprehensive analyses. The most complete data are from Quintana Roo and Yucatán, Mexico, where an increasing trend was reported over a 15-year period from 1987-2001 (Zurita et al. 2003). However, TEWG (2009) reported a greater than 5 percent annual decline in loggerhead nesting from 1995-2006 at Quintana Roo.

### *Threats to the Loggerhead Sea Turtle*

Anthropogenic (human) factors that impact hatchlings and adult female turtles on land, or the success of nesting and hatching include: beach erosion, armoring and nourishment; artificial lighting; beach cleaning; increased human presence; recreational beach equipment; beach driving; coastal construction and fishing piers; exotic dune and beach vegetation; and poaching. An increased human presence at some nesting beaches or close to nesting beaches has led to secondary threats such as the introduction of exotic fire ants, feral hogs, dogs, and an increased presence of native species (*e.g.*, raccoons, armadillos, and opossums), which raid and feed on turtle eggs. Although sea turtle nesting beaches are protected along large expanses of the western North Atlantic coast, other areas along these coasts have limited or no protection.

Loggerhead turtles are affected by a completely different set of anthropogenic threats in the marine environment. These include oil and gas exploration and transportation; marine pollution; underwater explosions; hopper dredging, offshore artificial lighting; power plant entrainment and/or impingement; entanglement in debris; ingestion of marine debris; marina and dock construction and operation; boat collisions; poaching, and fishery interactions. In the oceanic environment, loggerheads are exposed to a series of longline fisheries that include the U.S. Atlantic tuna and swordfish longline fisheries, an Azorean longline fleet, a Spanish longline fleet, and various fleets in the Mediterranean Sea (Aguilar et al. 1995; Bolten et al. 1994; Crouse 1999). There is particular concern about the extensive incidental take of juvenile loggerheads in the eastern Atlantic by longline fishing vessels. In the neritic environment in waters off the coastal U.S., loggerheads are exposed to a suite of fisheries in Federal and State waters including trawl, purse seine, hook and line, gillnet, pound net, longline, dredge, and trap fisheries (NMFS and Service 2007).

#### *Coastal Development*

Loss of nesting habitat related to coastal development has had the greatest impact on nesting sea turtles. Beachfront development not only causes the loss of suitable nesting habitat, but can result in the disruption of powerful coastal processes accelerating erosion and interrupting the natural shoreline migration (National Research Council 1990b). This may in turn cause the need to protect upland structures and infrastructure by armoring, groin placement, beach emergency berm construction and repair, and beach nourishment, all of which cause changes in, additional loss of, or impact to the remaining sea turtle habitat.

Rice (2012a) identified that approximately 856 miles (40%) of sandy beaches from North Carolina to Texas have been developed (**Table 3**).

**Table 3. The lengths and percentages of sandy oceanfront beach in each state that are developed, undeveloped, and preserved as of December 2011 (Rice 2012a).**

State	Approximate Shoreline Beach Length (miles)	Approximate Miles of Beach Developed (percent of total shoreline length)	Approximate Miles of Beach Undeveloped (percent of total shoreline length) <sup>a</sup>	Approximate Miles of Beach Preserved (percent of total shoreline length) <sup>b</sup>
North Carolina	326	159 (49%)	167 (51%)	178.7 (55%)
South Carolina	182	93 (51%)	89 (49%)	84 (46%)
Georgia	90	15 (17%)	75 (83%)	68.6 (76%)
Florida	809	459 (57%)	351 (43%)	297.5 (37%)
<i>-Atlantic</i>	372	236 (63%)	136 (37%)	132.4 (36%)
<i>-Gulf</i>	437	223 (51%)	215 (49%)	168.0 (38%)
Alabama	46	25 (55%)	21 (45%)	11.2 (24%)
Mississippi barrier island coast	27	0 (0%)	27 (100%)	27 (100%)
Mississippi mainland coast	51 <sup>c</sup>	41 (80%)	10 (20%)	12.6 (25%)
Louisiana	218	13 (6%)	205 (94%)	66.3 (30%)
Texas	370	51 (14%)	319 (86%)	152.7 (41%)
<b>TOTAL</b>	<b>2,119</b>	<b>856 (40%)</b>	<b>1,264 (60%)</b>	<b>901.5 (43%)</b>

<sup>a</sup> Beaches classified as “undeveloped” occasionally include a few scattered structures.

<sup>b</sup> Preserved beaches include public ownership, ownership by non-governmental conservation organizations, and conservation easements. The miles of shoreline that have been preserved generally overlap with the miles of undeveloped beach but may also include some areas (e.g., in North Carolina) that have been developed with recreational facilities or by private inholdings.

<sup>c</sup> The mainland Mississippi coast along Mississippi Sound includes 51.3 miles of sandy beach as of 2010-2011, out of approximately 80.7 total shoreline miles (the remaining portion is non-sandy, either marsh or armored coastline with no sand). See Appendix 1c for details.

## *Hurricanes*

Hurricanes were probably responsible for maintaining coastal beach habitat upon which sea turtles depend through repeated cycles of destruction, alteration, and recovery of beach and dune habitat. Hurricanes generally produce damaging winds, storm tides and surges, and rain, which can result in severe erosion of the beach and dune systems. Overwash and blowouts are common on barrier islands. Hurricanes and other storms can result in the direct loss of sea turtle nests, either by erosion or washing away of the nests by wave action and inundation or “drowning” of the eggs or pre-emergent hatchlings within the nest, or indirectly by causing the loss of nesting habitat. Depending on their frequency, storms can affect sea turtles on either a short-term basis (nests lost for one season and/or temporary loss of nesting habitat) or long term, if frequent (habitat unable to recover). The manner in which hurricanes affect sea turtle nesting also depends on their characteristics (winds, storm surge, rainfall), the time of year (within or outside of the nesting season), and where the northeast edge of the hurricane crosses land.

Because of the limited remaining nesting habitat in a natural state with no immediate development landward of the sandy beach, frequent or successive severe weather events could threaten the ability of certain sea turtle populations to survive and recover. Sea turtles evolved under natural coastal environmental events such as hurricanes. The extensive amount of predevelopment coastal beach and dune habitat allowed sea turtles to survive even the most severe hurricane events. It is only within the last 20 to 30 years that the combination of habitat loss to beachfront development and destruction of remaining habitat by hurricanes has increased the threat to sea turtle survival and recovery. On developed beaches, typically little space remains for sandy beaches to become reestablished after periodic storms. While the beach itself moves landward during such storms, reconstruction or persistence of structures at their pre-storm locations can result in a loss of nesting habitat.

## *Erosion*

A critically eroded area is a segment of shoreline where natural processes or human activity have caused or contributed to erosion and recession of the beach or dune system to such a degree that upland development, recreational interests, wildlife habitat, or important cultural resources are threatened or lost. Critically eroded areas may also include peripheral segments or gaps between identified critically eroded areas because, although they may be stable or slightly erosional now, their inclusion is necessary for continuity of management of the coastal system or for the design integrity of adjacent beach management projects (FDEP 2009). It is important to note that for an erosion problem area to be critical there must be an existing threat to or loss of one of four specific interests – upland development, recreation, wildlife habitat, or important cultural resources.

### *Beachfront Lighting*

Artificial lights along a beach can deter females from coming ashore to nest or misdirect females trying to return to the surf after a nesting event. A significant reduction in sea turtle nesting activity has been documented on beaches illuminated with artificial lights (Witherington 1992). Artificial beachfront lighting may also cause disorientation (loss of bearings) and misorientation (incorrect orientation) of sea turtle hatchlings. Visual signs are the primary sea-finding mechanism for hatchlings (Mrosovsky and Carr 1967, Mrosovsky and Shettleworth 1968, Dickerson and Nelson 1989, Witherington and Bjorndal 1991). Artificial beachfront lighting is a documented cause of hatchling disorientation and misorientation on nesting beaches (Philibosian 1976, Mann 1977, Witherington and Martin 1996). The emergence from the nest and crawl to the sea is one of the most critical periods of a sea turtle's life. Hatchlings that do not make it to the sea quickly become food for ghost crabs, birds, and other predators, or become dehydrated and may never reach the sea. In addition, research has documented significant reduction in sea turtle nesting activity on beaches illuminated with artificial lights (Witherington 1992). During the 2010 sea turtle nesting season in Florida, over 47,000 turtle hatchlings were documented as being disoriented (FWC/FWRI 2011).

### *Predation*

Predation of sea turtle eggs and hatchlings by native and introduced species occurs on almost all nesting beaches. Predation by a variety of predators can considerably decrease sea turtle nest hatching success. The most common predators in the southeastern U.S. are ghost crabs (*Ocypode quadrata*), raccoons (*Procyon lotor*), feral hogs (*Sus scrofa*), foxes (*Urocyon cinereoargenteus* and *Vulpes vulpes*), coyotes (*Canis latrans*), armadillos (*Dasypus novemcinctus*), and fire ants (*Solenopsis invicta*) (Dodd 1988, Stancyk 1995). In the absence of nest protection programs in a number of locations throughout the southeast U.S., raccoons may depredate up to 96 percent of all nests deposited on a beach (Davis and Whiting 1977, Hopkins and Murphy 1980, Stancyk et al. 1980, Talbert et al. 1980, Schroeder 1981, Labisky et al. 1986).

### *Beach Driving*

The operation of motor vehicles on the beach affects sea turtle nesting by interrupting or striking a female turtle on the beach, headlights disorienting or misorienting emergent hatchlings, vehicles running over hatchlings attempting to reach the ocean, and vehicle tracks traversing the beach that interfere with hatchlings crawling to the ocean. Hatchlings appear to become diverted not because they cannot physically climb out of the rut (Hughes and Caine 1994), but because the sides of the track cast a shadow and the hatchlings lose their line of sight to the ocean horizon (Mann 1977). The extended period of travel required to negotiate tire tracks and ruts may increase the susceptibility of hatchlings to dehydration and depredation during migration to the ocean (Hosier et al. 1981). Driving on the beach can cause sand compaction, which may result in adverse impacts on nest site selection, digging behavior, clutch viability, and emergence by hatchlings, decreasing nest success and directly

killing pre-emergent hatchlings (Mann 1977, Nelson and Dickerson 1987, Nelson 1988).

Additionally, the physical changes and loss of plant cover caused by vehicles on dunes can lead to various degrees of instability, and therefore encourage dune migration. As vehicles move either up or down a slope, sand is displaced downward, lowering the trail. Since the vehicles also inhibit plant growth, and open the area to wind erosion, dunes may become unstable, and begin to migrate. Unvegetated sand dunes may continue to migrate across stable areas as long as vehicle traffic continues. Vehicular traffic through dune breaches or low dunes on an eroding beach may cause an accelerated rate of overwash and beach erosion (Godfrey et al. 1978). If driving is required, the area where the least amount of impact occurs is the beach between the low and high tide water lines. Vegetation on the dunes can quickly reestablish provided the mechanical impact is removed.

### *Climate Change*

The varying and dynamic elements of climate science are inherently long term, complex, and interrelated. Regardless of the underlying causes of climate change, glacial melting and expansion of warming oceans are causing sea level rise, although its extent or rate cannot as yet be predicted with certainty. At present, the science is not exact enough to precisely predict when and where climate impacts will occur. Although we may know the direction of change, it may not be possible to predict its precise timing or magnitude. These impacts may take place gradually or episodically in major leaps.

Climate change is evident from observations of increases in average global air and ocean temperatures, widespread melting of snow and ice, and rising sea level, according to the Intergovernmental Panel on Climate Change Report (IPCC 2007a). The IPCC Report (2007a) describes changes in natural ecosystems with potential widespread effects on many organisms, including marine mammals and migratory birds. The potential for rapid climate change poses a significant challenge for fish and wildlife conservation. Species' abundance and distribution are dynamic, relative to a variety of factors, including climate. As climate changes, the abundance, and distribution of fish and wildlife will also change. Highly specialized or endemic species are likely to be most susceptible to the stresses of changing climate. Based on these findings and other similar studies, the U.S. Department of the Interior (DOI) requires agencies under its direction to consider potential climate change effects as part of their long-range planning activities (Service 2007).

In the southeastern U.S., climatic change could amplify current land management challenges involving habitat fragmentation, urbanization, invasive species, disease, parasites, and water management. Global warming will be a particular challenge for endangered, threatened, and other "at risk" species. It is difficult to estimate, with any degree of precision, which species will be affected by climate change or exactly how they will be affected. The Service will use Strategic Habitat Conservation planning, an adaptive science-driven process that begins with explicit trust resource population objectives, as the framework for adjusting our management strategies in response to climate change (Service 2006). As the level of information increases relative to the effects of global climate change on sea turtles and its designated

critical habitat, the Service will have a better basis to address the nature and magnitude of this potential threat and will more effectively evaluate these effects to the range-wide status of sea turtles.

Temperatures are predicted to rise from 1.6°F to 9°F for North America by the end of this century (IPCC 2007a, b). Alterations of thermal sand characteristics could result in highly female-biased sex ratios because sea turtles exhibit temperature dependent sex determination (e.g., Glen and Mrosovsky 2004, Hawkes et al. 2007).

Along developed coastlines, and especially in areas where shoreline protection structures have been constructed to limit shoreline movement, rising sea levels will cause severe effects on nesting females and their eggs. Erosion control structures can result in the permanent loss of dry nesting beach or deter nesting females from reaching suitable nesting sites (National Research Council 1990a). Nesting females may deposit eggs seaward of the erosion control structures potentially subjecting them to repeated tidal inundation or washout by waves and tidal action.

Based on the present level of available information concerning the effects of global climate change on the status of sea turtles and their designated critical habitat, the Service acknowledges the potential for changes to occur in the action area, but presently has no basis to evaluate if or how these changes are affecting sea turtles or their designated critical habitat. Nor does our present knowledge allow the Service to project what the future effects from global climate change may be or the magnitude of these potential effects.

#### *Recreational Beach Use*

There is increasing popularity in the southeastern United States, especially in Florida, for beach communities to carry out beach cleaning operations to improve the appearance of beaches for visitors and residents. Beach cleaning occurs on private beaches and on some municipal or county beaches that are used for nesting by loggerhead sea turtles. Beach cleaning activities effectively remove “seaweed, fish, glass, syringes, plastic, cans, cigarettes, shells, stone, wood, and virtually any unwanted debris” (Barber and Sons 2012). Removal of wrack material (organic material that is washed up onto the beach by surf, tides, and wind) reduces the natural sand-trapping abilities of beaches and contributes to their destabilization. As beach cleaning vehicles and equipment move over the sand, sand is displaced downward, lowering the substrate. Although the amount of sand lost due to single sweeping actions may be small, it adds up considerably over a period of years (Neal et al. 2007). In addition, since the beach cleaning vehicles and equipment also inhibit plant growth and open the area to wind erosion, the beach and dunes may become unstable. Beach cleaning “can result in abnormally broad unvegetated zones that are inhospitable to dune formation or plant colonization, thereby enhancing the likelihood of erosion” (Defeo et al. 2009). This is also a concern because dunes and vegetation play an important role in minimizing the impacts of artificial beachfront lighting, which causes disorientation of sea turtle hatchlings and nesting turtles, by creating a barrier that prevents residential and commercial business lighting from being visible on the beach.

Human presence on the beach at night during the nesting season can reduce the quality of nesting habitat by deterring or disturbing and causing nesting turtles to avoid otherwise suitable habitat. In addition, human foot traffic can make a beach less suitable for nesting and hatchling emergence by increasing sand compaction and creating obstacles to hatchlings attempting to reach the ocean (Hosier et al. 1981).

The use and storage of lounge chairs, cabanas, umbrellas, catamarans, and other types of recreational equipment on the beach at night can also make otherwise suitable nesting habitat unsuitable by hampering or deterring nesting by adult females and trapping or impeding hatchlings during their nest to sea migration. The documentation of non-nesting emergences (also referred to as false crawls) at these obstacles is becoming increasingly common as more recreational beach equipment is left on the beach at night. Sobel (2002) describes nesting turtles being deterred by wooden lounge chairs that prevented access to the upper beach.

### *Sand Placement*

Sand placement projects may result in changes in sand density (compaction), beach shear resistance (hardness), beach moisture content, beach slope, sand color, sand grain size, sand grain shape, and sand grain mineral content if the placed sand is dissimilar from the original beach sand (Nelson and Dickerson 1988a). These changes could result in adverse impacts on nest site selection, digging behavior, clutch viability, and hatchling emergence (Nelson and Dickerson 1987, Nelson 1988).

Beach nourishment projects create an elevated, wider, and unnatural flat slope berm. Sea turtles nest closer to the water the first few years after nourishment because of the altered profile (and perhaps unnatural sediment grain size distribution) (Ernest and Martin 1999, Trindell 2005)

Rice (2012a) identified that approximately 32% of sandy shorelines from North Carolina to Texas have been modified by sand placement projects (**Table 4**).



**Table 4. Approximate shoreline miles of sandy beach that have been modified by sand placement activities for each state as of December 2011. These totals are minimum numbers, given missing data for some areas (Rice 2012a).**

State	Known Approximate Miles of Beach Receiving Sand	Proportion of Modified Sandy Beach Shoreline
North Carolina	91.3	28%
South Carolina	67.6	37%
Georgia	5.5	6%
Florida Atlantic coast	189.7	51%
Florida Gulf coast	189.9	43%
Alabama	7.5	16%
Mississippi barrier island coast	1.1	4%
Mississippi mainland coast	43.5	85%
Louisiana	60.4	28%
Texas	28.3	8%
<b>TOTAL</b>	<b>684.8+</b>	<b>32%</b>

Beach compaction and unnatural beach profiles resulting from beach nourishment activities could negatively impact sea turtles regardless of the timing of projects. Very fine sand or the use of heavy machinery can cause sand compaction on nourished beaches (Nelson et al. 1987, Nelson and Dickerson 1988a). Significant reductions in nesting success (*i.e.*, false crawls occurred more frequently) have been documented on severely compacted nourished beaches (Fletemeyer 1980, Raymond 1984, Nelson and Dickerson 1987, Nelson et al. 1987), and increased false crawls may result in increased physiological stress to nesting females. Sand compaction may increase the length of time required for female sea turtles to excavate nests and cause increased physiological stress to the animals (Nelson and Dickerson 1988b). Nelson and Dickerson (1988c) concluded that, in general, beaches nourished from offshore borrow sites are harder than natural beaches, and while some may soften over time through erosion and accretion of sand, others may remain hard for 10 years or more.

These impacts can be minimized by using suitable sand and by tilling (minimum depth of 36 inches) compacted sand after project completion. The level of compaction of a beach can be assessed by measuring sand compaction using a cone penetrometer (Nelson 1987). Tilling of a nourished beach with a root rake may reduce the sand compaction to levels comparable to unnourished beaches. However, a pilot study by Nelson and Dickerson (1988c) showed that a tilled nourished beach will remain uncompacted for only up to 1 year. Thus, multi-year beach compaction monitoring and, if necessary, tilling would help to ensure that project impacts on sea turtles are minimized.

A change in sediment color on a beach could change the natural incubation temperatures of nests in an area, which, in turn, could alter natural sex ratios. To provide the most suitable sediment for nesting sea turtles, the color of the nourished sediments should resemble the natural beach sand in the area. Natural reworking of sediments and bleaching from exposure

to the sun would help to lighten dark nourishment sediments; however, the timeframe for sediment mixing and bleaching to occur could be critical to a successful sea turtle nesting season.

### *In-water and Shoreline Alterations*

Many navigable mainland or barrier island tidal inlets or beaches along the Atlantic and Gulf of Mexico coasts are stabilized with jetties or groins. Jetties are built perpendicular to the shoreline and extend through the entire nearshore zone and past the breaker zone to prevent or decrease sand deposition in the channel (Kaufman and Pilkey 1979). Groins are also shore-perpendicular structures that are designed to trap sand that would otherwise be transported by longshore currents and can cause downdrift erosion (Kaufman and Pilkey 1979).

These in-water structures have profound effects on adjacent beaches (Kaufman and Pilkey 1979). Jetties and groins placed to stabilize a beach or inlet prevent normal sand transport, resulting in accretion of sand on updrift beaches and acceleration of beach erosion downdrift of the structures (Komar 1983, Pilkey et al. 1984). Witherington et al. (2005) found a significant negative relationship between loggerhead nesting density and distance from the nearest of 17 ocean inlets on the Atlantic coast of Florida. The effect of inlets in lowering nesting density was observed both updrift and downdrift of the inlets, leading researchers to propose that beach instability from both erosion and accretion may discourage loggerhead nesting.

Rice (2012b) identified over half of inlets from North Carolina to Texas have been modified by some type of structure (**Table 5**).

**Table 5. The number of open tidal inlets, inlet modifications, and artificially closed inlets in each state as of December 2011 (Rice 2012b).**

State	Existing Inlets							Artificially closed
	Number of Inlets	Total Number of Modified Inlets	Habitat Modification Type					
			structures <sup>a</sup>	dredged	relocated	mined	artificially opened	
North Carolina	20	17 (85%)	7	16	3	4	2	11
South Carolina	47	21 (45%)	17	11	2	3	0	1
Georgia	23	6 (26%)	5	3	0	1	0	0
Florida -Atlantic	21	19 (90%)	19	16	0	3	10	0
Florida -Gulf	48	24 (50%)	20	22	0	6	7	1
Alabama	4	4 (100%)	4	3	0	0	0	2
Mississippi	6	4 (67%)	0	4	0	0	0	0
Louisiana	34	10 (29%)	7	9	1	2	0	46
Texas	18	14 (78%)	10	13	2	1	11	3
<b>TOTAL</b>	221	119 (54%)	89 (40%)	97 (44%)	8 (4%)	20 (9%)	30 (14%)	64 (N/A)

<sup>a</sup> Structures include jetties, terminal groins, groin fields, rock or sandbag revetments, seawalls, and offshore breakwaters.

Following construction, the presence of groins and jetties may interfere with nesting turtle access to the beach, result in a change in beach profile and width (downdrift erosion, loss of sandy berms, and escarpment formation), trap hatchlings, and concentrate predatory fishes, resulting in higher probabilities of hatchling predation. In addition to decreasing nesting habitat suitability, construction or repair of groins and jetties during the nesting season may result in the destruction of nests, disturbance of females attempting to nest, and disorientation of emerging hatchlings from project lighting.

Recovery Criteria (only the Demographic Recovery Criteria are presented below; for the Listing Factor Recovery Criteria, see NMFS and Service 2008)

1. Number of Nests and Number of Nesting Females
  - a. Northern Recovery Unit
    - i. There is statistical confidence (95 percent) that the annual rate of increase over a generation time of 50 years is 2 percent or greater resulting in a total annual number of nests of 14,000 or greater for this recovery unit (approximate distribution of nests is North Carolina =14 percent [2,000 nests], South Carolina =66 percent [9,200 nests], and Georgia =20 percent [2,800 nests]); and

- ii. This increase in number of nests must be a result of corresponding increases in number of nesting females (estimated from nests, clutch frequency, and remigration interval).
  - b. Peninsular Florida Recovery Unit
    - i. There is statistical confidence (95 percent) that the annual rate of increase over a generation time of 50 years is statistically detectable (one percent) resulting in a total annual number of nests of 106,100 or greater for this recovery unit; and
    - ii. This increase in number of nests must be a result of corresponding increases in number of nesting females (estimated from nests, clutch frequency, and remigration interval).
  - c. Dry Tortugas Recovery Unit
    - i. There is statistical confidence (95 percent) that the annual rate of increase over a generation time of 50 years is three percent or greater resulting in a total annual number of nests of 1,100 or greater for this recovery unit; and
    - ii. This increase in number of nests must be a result of corresponding increases in number of nesting females (estimated from nests, clutch frequency, and remigration interval).
  - d. Northern Gulf of Mexico Recovery Unit
    - i. There is statistical confidence (95 percent) that the annual rate of increase over a generation time of 50 years is three percent or greater resulting in a total annual number of nests of 4,000 or greater for this recovery unit (approximate distribution of nests (2002-2007) is Florida= 92 percent [3,700 nests] and Alabama =8 percent [300 nests]); and
    - ii. This increase in number of nests must be a result of corresponding increases in number of nesting females (estimated from nests, clutch frequency, and remigration interval).
  - e. Greater Caribbean Recovery Unit
    - i. The total annual number of nests at a minimum of three nesting assemblages, averaging greater than 100 nests annually (e.g., Yucatán, Mexico; Cay Sal Bank, Bahamas) has increased over a generation time of 50 years; and
    - ii. This increase in number of nests must be a result of corresponding increases in number of nesting females (estimated from nests, clutch frequency, and remigration interval).
- 2. Trends in Abundance on Foraging Grounds
 

A network of in-water sites, both oceanic and neritic across the foraging range is established and monitoring is implemented to measure abundance. There is statistical confidence (95 percent) that a composite estimate of relative abundance from these sites is increasing for at least one generation.

### 3. Trends in Neritic Strandings Relative to In-water Abundance

Stranding trends are not increasing at a rate greater than the trends in in-water relative abundance for similar age classes for at least one generation.

#### *Analysis of the species/critical habitat likely to be affected*

The proposed action has the potential to adversely affect nesting females, nests, hatchlings on the beach, and proposed critical habitat units LOGG-T-SC-15 Edisto Beach State Park and LOGG-T-SC-16 Edisto Beach (**Figure 5, p. 32**) within the proposed project area. The effects of the proposed action on sea turtles and their proposed critical habitat will be considered further in the remaining sections of this biological opinion.

Potential effects include destruction of nests deposited within the boundaries of the proposed project, harassment in the form of disturbing or interfering with female turtles attempting to nest within the construction area or on adjacent beaches as a result of construction activities, disorientation of hatchling turtles on beaches adjacent to the construction area as they emerge from the nest and crawl to the water as a result of project lighting or the extension of the existing groins, and behavior modification of nesting females during the nesting season resulting in false crawls or situations where they choose marginal or unsuitable nesting areas to deposit eggs due to escarpment formation or the extension of the existing groins within the action area. The extension of the existing groins could affect the movement of sand by altering the natural coastal processes and could affect the ability of female turtles to nest, the suitability of the nest incubation environment, and the ability of hatchlings to emerge from the nest and crawl to the ocean.

Some individuals in a population are more “valuable” than others in terms of the number of offspring they are expected to produce. An individual’s potential for contributing offspring to future generations is its reproductive value. Because of delayed sexual maturity, reproductive longevity, and low survivorship in early life stages, nesting females are of high value to a population. The loss of a nesting female in a small recovery unit would represent a significant loss to the recovery unit. The reproductive value for a nesting female has been estimated to be approximately 253 times greater than an egg or a hatchling (NMFS and Service 2008). However, the proposed action includes avoidance and minimization measures that reduce the possibility of mortality of a nesting female on the beach as a result of the project. Therefore, we do not anticipate the loss of any nesting females on the beach as a result of the project.

With regard to indirect loss of eggs and hatchlings, on most beaches, nesting success typically declines for the first year or two following sand placement, even though more nesting habitat is available for turtles (Trindell et al. 1998, Ernest and Martin 1999, Herren 1999). Reduced nesting success on constructed beaches has been attributed to increased sand compaction, escarpment formation, and changes in beach profile (Nelson et al. 1987, Crain et al. 1995, Lutcavage et al. 1997, Steinitz et al. 1998, Ernest and Martin 1999, Rumbold et al. 2001). In addition, even though constructed beaches are wider, nests deposited there may

experience higher rates of wash out than those on relatively narrow, steeply sloped beaches (Ernest and Martin 1999). This occurs because nests on constructed beaches are more broadly distributed than those on natural beaches, where they tend to be clustered near the base of the dune. Nests laid closest to the waterline on constructed beaches may be lost during the first year or two following construction as the beach undergoes an equilibration process during which seaward portions of the beach are lost to erosion. As a result, the sand project is anticipated to result in decreased nesting and loss of nests that do get laid within the project area for two subsequent nesting seasons following the completion of the proposed sand placement. However, it is important to note that it is unknown whether nests that would have been laid in a project area during the two subsequent nesting seasons had the project not occurred are actually lost from the population or if nesting is simply displaced to adjacent beaches.

During project construction, direct mortality of the developing embryos in nests within the project area may occur for nests that are missed and not relocated. The exact number of these missed nests is not known. However, in two separate monitoring programs on the east coast of Florida where hand digging was performed to confirm the presence of nests and thus reduce the chance of missing nests through misinterpretation, trained observers still missed about 6 to 8 percent of the nests because of natural elements (Martin 1992, Ernest and Martin 1993). This must be considered a conservative number, because missed nests are not always accounted for. In another study, Schroeder (1994) found that even under the best of conditions, about 7 percent of nests can be misidentified as false crawls by highly experienced sea turtle nest surveyors. Missed nests are usually identified by signs of hatchling emergences in areas where no nest was previously documented. Signs of hatchling emergence are very easily obliterated by the same elements that interfere with detection of nests.

The extension of existing groins may create a physical obstacle to nesting sea turtles. The interaction between the groin and the hydrodynamics of tide and current often results in the alteration of the beach profile seaward and in the immediate vicinity of the structure (Pilkey and Wright 1988, Terchunian 1988, Tait and Griggs 1990, Plant and Griggs 1992), including increased erosion seaward of structures, increased longshore currents that move sand away from the area, loss of interaction between the dune and ocean, and concentration of wave energy at the ends of an armoring structure (Schroeder and Mosier 1996). These changes or combination of changes can have various detrimental effects on sea turtles and their nesting habitat.

However, it is important to note that it is unknown whether nests that would have been laid in a project area had the project not occurred are actually lost from the population or if nesting is simply displaced to adjacent beaches. Regardless, eggs and hatchlings have a low reproductive value; each egg or hatchling has been estimated to have only 0.004 percent of the value of a nesting female (NMFS and Service 2008). The Service would not expect this loss to have a significant effect on the recovery and survival of the species, for the following reasons: 1) some nesting is likely just displaced to adjacent non-project beaches, 2) not all eggs will produce hatchlings, and 3) destruction and/or failure of nests will not always result

from the construction project. A variety of natural and unknown factors negatively affect incubating egg clutches, including tidal inundation, storm events, and predation.

The impact of nesting females interacting with the extended groins in the marine environment will be analyzed by NMFS in their consultation.

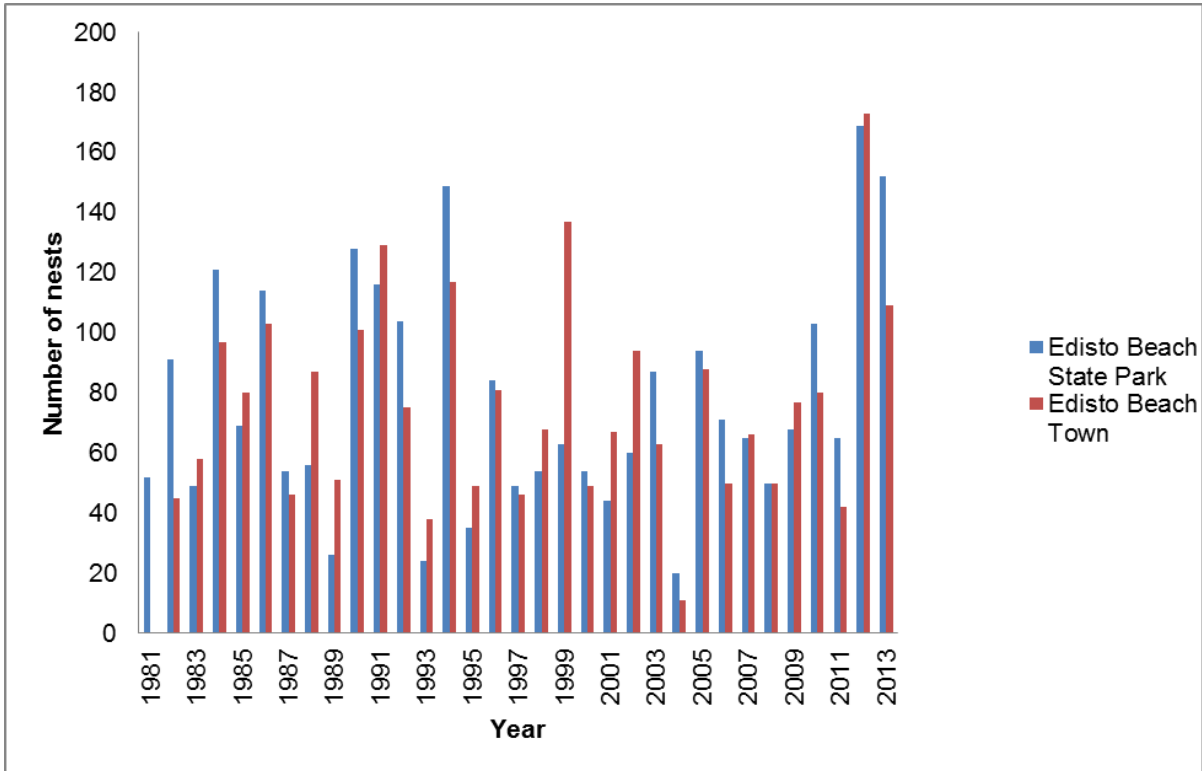
## **ENVIRONMENTAL BASELINE**

South Carolina barrier beaches are part of a complex and dynamic coastal system that continually respond to inlets, tides, waves, erosion and deposition, longshore sediment transport, and depletion, fluctuations in sea level, and weather events. The location and shape of the coastline perpetually adjusts to these physical forces. Winds move sediment across the dry beach forming dunes and the island interior landscape. The natural communities contain plants and animals that are subject to shoreline erosion and deposition, salt spray, wind, drought conditions, and sandy soils. Vegetative communities include foredunes, primary, and secondary dunes, interdunal swales, sand pine scrub, and maritime forests. However, the protection or persistence of these important natural land forms, processes, and wildlife resources is often in conflict with long-term beach stabilization projects and their indirect effects, i.e., increases in residential development, infrastructure, and public recreational uses.

South Carolina has approximately 182 miles of coastline and approximately 51% (93/182 miles) of the coastline is developed (SCDHEC 2010). Approximately 37% (67.6/182 miles) of the state's coastline has received sand placement via beach nourishment or dredge disposal placement (Rice 2012a). South Carolina currently has 47 tidal inlets open and 36% (17/47 inlets) have been stabilized with some type of hard structure(s) along at least one shoreline (Rice 2012b).

### ***Status of the species within the action area***

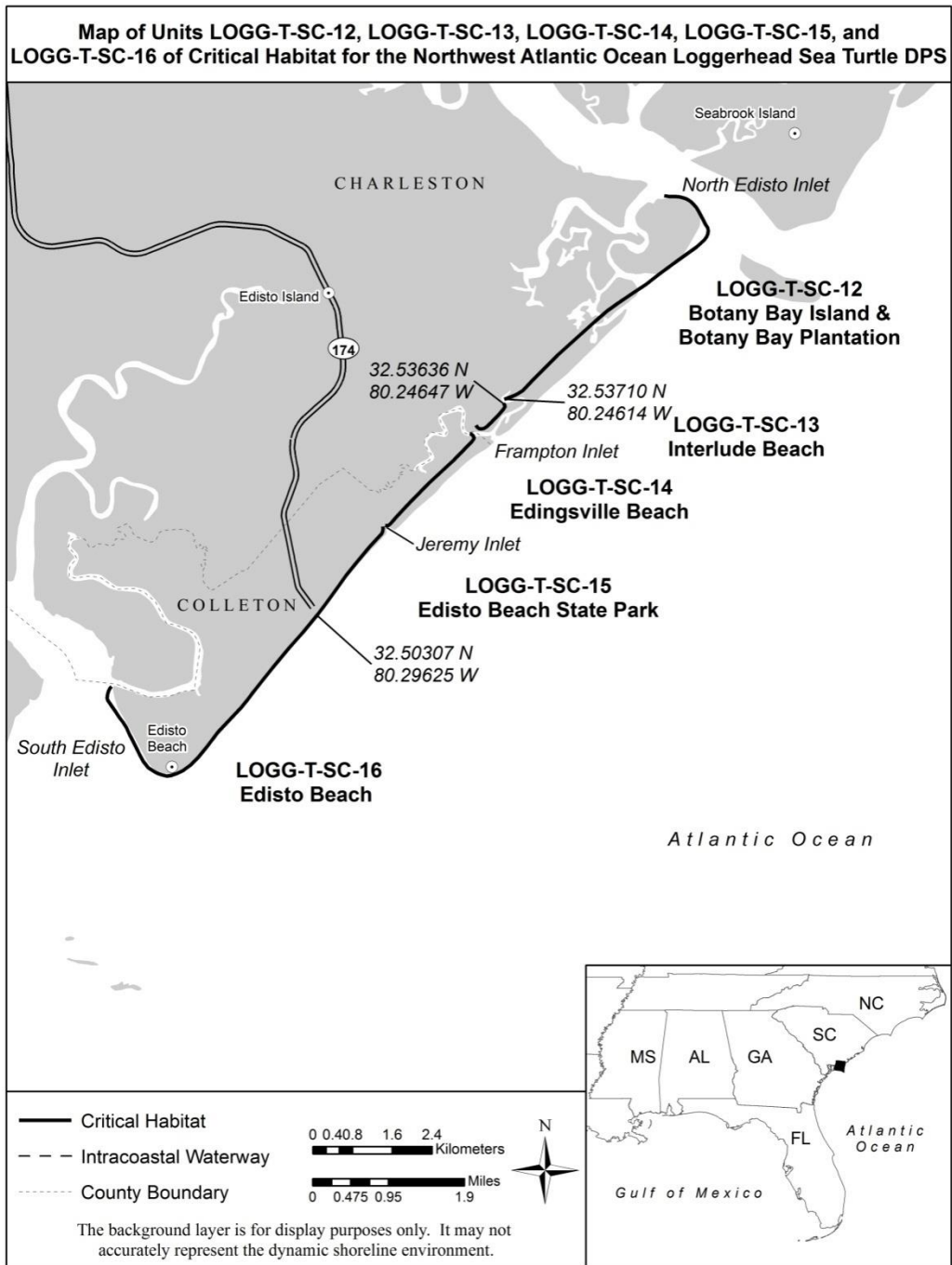
One of the five recovery units, the NRU, occurs within the proposed action area. The loggerhead sea turtle nesting and hatching season for South Carolina extends from May 1 through October 31. Incubation ranges from about 50 to 60 days. Since 1981, Edisto Beach State Park and the Town of Edisto Beach have averaged 92.9 and 80.9 nests, respectively (**Figure 4**).



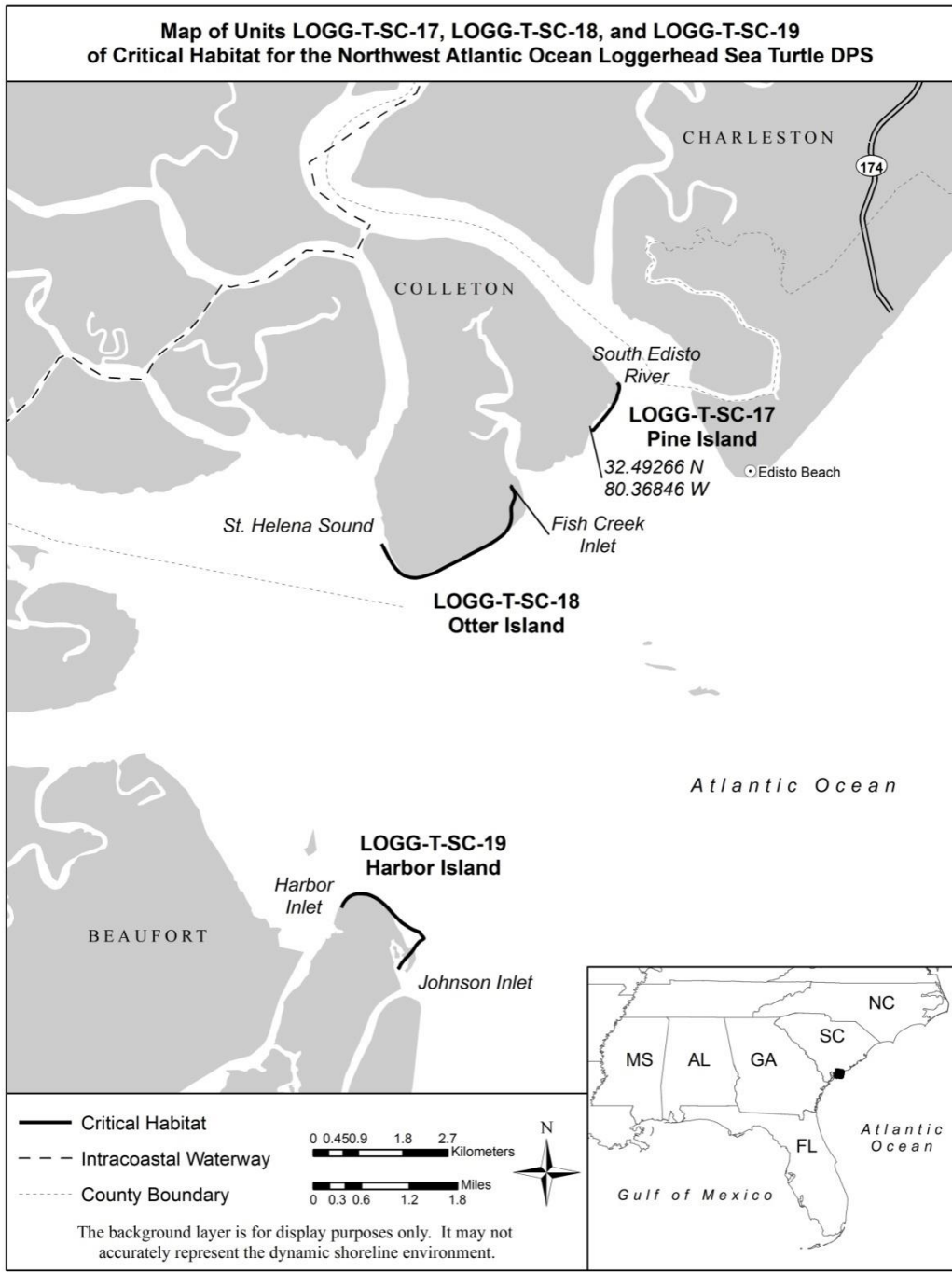
**Figure 4. Number of sea turtle nests within the project area between 1981 and 2013 (SCDNR unpublished data).**

Botany Bay Island, Botany Bay Plantation, Interlude Beach, Edingsville Beach, Edisto Beach State Park, Edisto Beach, Pine Island, and Otter Island are located within the action area. It is likely that sea turtles deterred from nesting within the project area due to construction activities will move to adjacent beaches to nest. All of these beaches provide nesting habitat and volunteers carry out nest monitoring and protection, which is overseen by SCDNR. All of these beaches have also been proposed to be designated as critical habitat (78 FR 18000) (Figure 5 and 6).





**Figure 5. Map of Units LOGG-T-SC-12, LOGG-T-SC-13, LOGG-T-SC-14, LOGG-T-SC-15, and LOGG-T-SC-16.**



**Figure 6. Map of Units LOGG-T-SC-17, LOGG-T-SC-18, and LOGG-T-SC-19.**

*Proposed critical habitat within the action area*

***LOGG-T-SC-12 – Botany Bay Island and Botany Bay Plantation, Charleston County:***

This unit consists of 6.6 km (4.1 miles) of island shoreline along the Atlantic Ocean and North Edisto Inlet. It includes the shoreline of Botany Bay Island and Botany Bay Plantation, which is located on the north end of Edisto Island. Botany Bay Island and Botany Bay Plantation were originally separated by South Creek Inlet. However, due to beach accretion on the south end of Botany Bay Island, it is now continuous with Botany Bay Plantation. This unit is separated from the mainland by the Atlantic Intracoastal Waterway, Ocella Creek, Townsend River, South Creek Inlet, a network of coastal islands, and salt marsh. The unit extends from North Edisto Inlet to 32.53710 N, 80.24614 W (northern boundary of an unnamed inlet separating Botany Bay Plantation and Interlude Beach). The unit includes lands from the mean high water (MHW) line to the toe of the secondary dune or developed structures. Land in this unit is in State and private and other ownership. The Botany Bay Island portion is privately owned; however, the owner has placed a conservation easement on the property with The Nature Conservancy. The State portion is part of the Botany Bay Plantation Wildlife Management Area Heritage Preserve, which is managed by SCDNR. This unit was occupied at the time of listing and is currently occupied. This unit has high-density nesting by loggerhead sea turtles in South Carolina. This unit contains all of the PBFs and PCEs. The PBFs in this unit may require special management considerations or protections to ameliorate the threats of predation, beach erosion, climate change, habitat obstructions, human-caused disasters, and response to disasters. The Botany Bay Plantation Wildlife Management Area Heritage Preserve has a management plan that includes the implementation of sea turtle nesting surveys, nest marking, actions to minimize human disturbance, and predator removal intended to minimize impacts to nesting and hatchling loggerhead sea turtles (SCDNR 2009).

***LOGG-T-SC-13 – Interlude Beach, Charleston County:*** This unit consists of 0.9 km (0.6 mile) of island shoreline along the Atlantic Ocean. This unit includes a section of Edisto Island, which is separated from the mainland by the Atlantic Intracoastal Waterway, a network of coastal islands, and salt marsh. The unit extends from 32.53636 N, 80.24647 W (southern boundary of an unnamed inlet separating Interlude Beach and Botany Bay Plantation) to Frampton Inlet. The unit includes lands from the MHW line to the toe of the secondary dune or developed structures. Land in this unit is in State ownership. It is part of the Botany Bay Plantation Wildlife Management Area Heritage Preserve, which is managed by SCDNR. This unit was occupied at the time of listing and is currently occupied. This unit supports expansion of nesting from adjacent units (LOGG-T-SC-12 and LOGG-T-SC-14) that have high-density nesting by loggerhead sea turtles in South Carolina. This unit contains all of the PBFs and PCEs. The PBFs in this unit may require special management considerations or protections to ameliorate the threats of predation, beach erosion, climate change, human-caused disasters, and response to disasters. The Botany Bay Plantation Wildlife Management Area Heritage Preserve has a management plan that includes the implementation of sea turtle nesting surveys, nest marking, actions to minimize human disturbance, and predator removal intended to minimize impacts to nesting and hatchling loggerhead sea turtles (SCDNR 2009).

***LOGG-T-SC-14 – Edingsville Beach, Charleston County:*** This unit consists of 2.7 km (1.7 miles) of island shoreline along the Atlantic Ocean. This unit includes a section of Edisto Island, which is separated from the mainland by the Atlantic Intracoastal Waterway, a network of coastal islands, and salt marsh. The unit extends from Frampton Inlet to Jeremy Inlet. The unit includes lands from the MHW line to the toe of the secondary dune or developed structures. Land in this unit is in private and other ownership. This unit was occupied at the time of listing and is currently occupied. This unit has high-density nesting by loggerhead sea turtles in South Carolina. This unit contains all of the PBFs and PCEs. The PBFs in this unit may require special management considerations or protections to ameliorate the threats of predation, beach erosion, climate change, human-caused disasters, and response to disasters. At this time, we are not aware of any management plans that address this species in this area.

***LOGG-T-SC-15 – Edisto Beach State Park, Colleton County:*** This unit consists of 2.2 km (1.4 miles) of island shoreline along the Atlantic Ocean. This unit includes a section of Edisto Island, which is separated from the mainland by the Atlantic Intracoastal Waterway, a network of coastal islands, and salt marsh. The unit extends from Jeremy Inlet to 32.50307 N, 80.29625 W (State Park boundary separating Edisto Beach State Park (EBSP) and the Town of Edisto Beach). The unit includes lands from the MHW line to the toe of the secondary dune or developed structures. Land in this unit is in State ownership. It is managed by the South Carolina Department of Parks, Recreation, and Tourism as EBSP. This unit was occupied at the time of listing and is currently occupied. This unit has high-density nesting by loggerhead sea turtles in South Carolina. This unit contains all of the PBFs and PCEs. The PBFs in this unit may require special management considerations or protections to ameliorate the threats of recreational use, predation, beach erosion, climate change, artificial lighting, human-caused disasters, and response to disasters. The EBSP has a General Management Plan that includes the implementation of sea turtle nesting surveys, nest marking, and education intended to minimize impacts to nesting and hatchling loggerhead sea turtles (EBSP 2010).

***LOGG-T-SC-16 – Edisto Beach, Colleton County:*** This unit consists of 6.8 km (4.2 miles) of island shoreline along the Atlantic Ocean and South Edisto River. This unit includes a section of Edisto Island, which is separated from the mainland by the Atlantic Intracoastal Waterway, Big Bay Creek, a network of coastal islands, and salt marsh. The unit extends from 32.50307 N, 80.29625 W (State Park boundary separating Edisto Beach State Park and the Town of Edisto Beach) to South Edisto Inlet. The unit includes lands from the MHW line to the toe of the secondary dune or developed structures. The unit occurs within the town limits of Edisto Beach. Land in this unit is in private and other ownership. This unit was occupied at the time of listing and is currently occupied. This unit supports expansion of nesting from an adjacent unit (LOGG-T-SC-16) that has high-density nesting by loggerhead sea turtles in South Carolina. This unit contains all of the PBFs and PCEs. The PBFs in this unit may require special management considerations or protections to ameliorate the threats of recreational use, predation, beach sand placement activities, in-water and shoreline alterations, beach erosion, climate change, artificial lighting, human-caused disasters, and

response to disasters. The Town of Edisto Beach has a Local Comprehensive Beach Management Plan that includes the implementation of sea turtle nesting surveys, nest marking, and beach management to protect nesting and hatchling loggerhead sea turtles from anthropogenic disturbances (Town of Edisto Beach 2011). These measures apply to the private lands within this critical habitat unit although the degree of implementation is uncertain.

***LOGG-T-SC-17 – Pine Island, Colleton County:*** This unit consists of 1.2 km (0.7 mile) of island shoreline along the South Edisto Inlet. The island is separated from the mainland by the Atlantic Intracoastal Waterway, Fish Creek, a network of coastal islands, and salt marsh. The unit extends from South Edisto River to 32.49266 N, 80.36846 W (northern boundary of an unnamed inlet to Fish Creek). The unit includes lands from the MHW line to the toe of the secondary dune or developed structures. Land in this unit is in State ownership. It is managed by SCDNR as part of the Ashepoo-Combahee-Edisto (ACE) Basin National Estuarine Research Reserve (NERR). This unit was occupied at the time of listing and is currently occupied. This unit supports expansion of nesting from an adjacent unit (LOGG-T-SC-18) that has high-density nesting by loggerhead sea turtles in South Carolina. This unit contains all of the PBFs and PCEs. The PBFs in this unit may require special management considerations or protections to ameliorate the threats of recreational use, predation, beach erosion, climate change, habitat obstructions, human-caused disasters, and response to disasters. At this time, we are not aware of any management plans that address this species in this area.

***LOGG-T-SC-18 – Otter Island, Colleton County:*** This unit consists of 4.1 km (2.5 miles) of island shoreline along the Atlantic Ocean and Saint Helena Sound. The island is separated from the mainland by the Atlantic Intracoastal Waterway, Ashepoo River, a network of coastal islands, and salt marsh. The unit extends from Fish Creek Inlet to Saint Helena Sound. The unit includes lands from the MHW line to the toe of the secondary dune or developed structures. Land in this unit is in State ownership. It is part of the St. Helena Sound Heritage Preserve and the ACE Basin Estuarine Research Reserve, which are managed by the SCDNR. This unit was occupied at the time of listing and is currently occupied. This unit has high-density nesting by loggerhead sea turtles in South Carolina. This unit contains all of the PBFs and PCEs. The PBFs in this unit may require special management considerations or protections to ameliorate the threats of predation, beach erosion, climate change, habitat obstructions, human-caused disasters, and response to disasters. At this time, we are not aware of any management plans that address this species in this area.

#### ***Factors affecting the species environment within the action area***

Regarding PCE 1 for sand placement projects, construction on the beach during sea turtle nesting and hatchling season can obstruct nesting females from accessing the beach and hatchlings from entering the water unimpeded. To minimize these impacts, the Corps has agreed to avoid construction during peak nesting and hatching season. This BO includes required terms and conditions that minimize incidental take of turtles and minimize the

impacts to PCE 1 by minimizing activities at night and placing equipment and staging areas off the nesting beach. More nests are washed out on the wide, flat beaches of the nourished treatments than on the narrower steeply sloped natural beaches. This phenomenon may persist through the second post construction year and result from the placement of nests near the seaward edge of the beach berm where dramatic profile changes, caused by erosion and scarping, occur as the beach equilibrates to a more natural contour.

Regarding PCE 2, a significantly larger proportion of turtles emerging on engineered beaches abandon their nesting attempts than turtles emerging on natural or pre-nourished beaches, even though more nesting habitat is available (Trindell et al. 1998; Ernest and Martin 1999; Herren 1999), with nesting success approximately 10 to 34 percent lower on nourished beaches than on control beaches during the first year post-nourishment. This reduction in nesting success is most pronounced during the first year following project construction and is most likely the result of changes in physical beach characteristics (beach profile, sediment grain size, beach compaction, frequency and extent of escarpments) associated with the nourishment project (Ernest and Martin 1999). This impact directly impacts PCE 2, however, on severely eroded sections of beach, where little or no suitable nesting habitat previously existed, and sand placement can result in increased nesting (Ernest and Martin 1999). The placement of sand on a beach with reduced dry foredune habitat may increase sea turtle nesting habitat if the placed sand is highly compatible (i.e., grain size, shape, color, etc.) with naturally occurring beach sediments in the area, and compaction and escarpment remediation measures are incorporated into the project. In addition, a nourished beach that is designed and constructed to mimic a natural beach system may benefit sea turtles more than an eroding beach it replaces.

Regarding PCE 3, during construction, any lights directly visible on the beach during nesting and hatching season are minimized by shielding and directing the lights downward and away from the nesting beach as required in the Terms and Conditions in this BO. The newly created wider and flatter beach berm exposes sea turtles and their nests to lights that were less visible, or not visible, from nesting areas before the sand placement activity leading to a higher mortality of hatchlings. Changing to sea turtle compatible lighting can be accomplished at the local level through voluntary compliance or by adopting appropriate regulations. The Terms and Condition in this BO require a lighting survey prior to construction and post construction to determine the additional level of impacts as a result of the proposed project. This Term and Condition includes working with the local sponsor to minimize the impacts of lighting as a result of the proposed project.

The Service has determined that with the incorporation of the conservation measures and Terms and Conditions as described above, the proposed project will “not adversely modify” terrestrial critical habitat units LOGG-T-SC-15 and LOGG-T-SC-16 for the Northwest Atlantic Ocean Distinct Population Segment of the loggerhead sea turtle.

## **EFFECTS OF THE ACTION**

This section is an analysis of the beneficial, direct, and indirect effects of the proposed action on nesting sea turtles, nests, eggs, and hatchling sea turtles within the action area. The analysis includes effects interrelated and interdependent of the project activities. An interrelated activity is an activity that is part of a proposed action and depends on the proposed activity. An interdependent activity is an activity that has no independent utility apart from the action.

### ***Factors to be considered***

The proposed project will occur within sea turtle nesting habitat and construction may overlap the sea turtle nesting season. Short-term and temporary impacts to sea turtle nesting activities could result from project work occurring on the nesting beach during the nesting season, changes in the physical characteristics of the beach from the placement of the sand, and change in the nest incubation environment from sediments not compatible with natural beach. Long-term and permanent impacts to sea turtle nesting habitat could result from lengthening the existing groins and subsequent downdrift impacts in between renourishment intervals.

*Proximity of action:* Sand placement, dune construction, and lengthening of the existing groins will occur within and adjacent to nesting habitat for sea turtles and dune habitats that ensure the stability and integrity of the nesting beach. Specifically, the project would potentially impact loggerhead nesting females, their nests, and hatchling sea turtles.

*Distribution:* Sand placement, dune construction, and lengthening of the existing groins may impact nesting and hatchling sea turtles and sea turtle nests that would occur within the project area and possibly displace nesting females to adjacent beaches within the action area during project construction or the immediately following nesting season.

*Timing:* The timing of the sand placement, dune construction, and lengthening of the existing groins could directly and indirectly impact nesting females, their nests, and hatchling sea turtles when conducted between May 1 and October 31. The project is planned for 2018.

*Nature of the effect:* The effects of the sand placement, dune construction, and lengthening of the existing groins may change the nesting behavior of adult female sea turtles, diminish nesting success, and cause reduced hatching and emerging success. Any decrease in productivity and/or survival rates would contribute to the vulnerability of the sea turtles nesting within the NRU.

*Duration:* The sand placement, dune construction, and lengthening of the existing groins will take approximately 5 months to complete. Thus, the direct effects would be expected to be short-term in duration. Indirect effects from the activity may continue to impact nesting and hatchling sea turtles and sea turtle nests in subsequent nesting seasons. In addition, the lengthening of the existing groins represents a long-term impact since the groins are permanent structures.

*Disturbance frequency:* Sea turtles nesting or nests oviposited within the project area may experience decreased nesting success, hatching success, and hatchling emergence success that could result from the construction activities being conducted at night during one nesting season.

*Disturbance intensity and severity:* Project construction is anticipated to be conducted outside of the nesting season if feasible. Conservation measures have been incorporated into the project description to minimize impacts.

### ***Analyses for effects of the action***

The effects of the sand placement, dune construction, and lengthening of the existing groins include impacts associated with project construction and maintenance within the action area.

### ***Beneficial Effects***

The placement of sand on a beach with reduced dry foredune habitat may increase sea turtle nesting habitat if the placed sand is highly compatible (*i.e.*, grain size, shape, color, etc.) with naturally occurring beach sediments in the area, and compaction and escarpment remediation measures are incorporated into the project. In addition, a nourished beach that is designed and constructed to mimic a natural beach system may benefit sea turtles more than an eroding beach it replaces.

Groins constructed in appropriate high erosion areas, or to offset the effects of shoreline armoring, may reestablish a beach where none currently exists. The groin may stabilize the beach in rapidly eroding areas and reduce the potential for escarpment formation, reduce destruction of nests from erosion, and reduce the need for future sand placement events by extending the interval between sand placement events. However, caution should be exercised to avoid automatically assuming the reestablishment of a beach will wholly benefit sea turtle populations without determining the extent of the groin effect on nesting and hatchling sea turtle behavior.

### ***Adverse Effects***

Through many years of research, it has been documented that beach nourishment can have adverse effects on nesting and hatchling sea turtles and sea turtle nests. It has also been documented that groins can have adverse effects on nesting and hatchling sea turtles and sea turtle nests. Results of monitoring sea turtle nesting provide additional information on how sea turtles respond to the presence of these structures, minimization measures, and other factors that influence nesting, hatching, and emerging success. Science-based information on sea turtle nesting biology and a review of empirical data on the effects of groins on sea turtles is used to manage beach construction activities to eliminate or reduce impacts to nesting and hatchling sea turtles and sea turtle nests. Measures can be incorporated pre-, during, and post-construction to reduce impacts to sea turtles.



### Direct Effects

Placement of sand on a beach in and of itself may not provide suitable nesting habitat for sea turtles. Although sand placement activities may increase the potential nesting area, significant negative impacts to sea turtles may result if protective measures are not incorporated during project construction. Sand placement activities during the nesting season, particularly on or near high density nesting beaches, can cause increased loss of eggs and hatchlings and, along with other mortality sources, may significantly impact the long-term survival of the species. For instance, projects conducted during the nesting and hatching season could result in the loss of sea turtles through disruption of adult nesting activity and by burial or crushing of nests or hatchlings. Heavy equipment will be required to re-distribute the sand to the original natural beach template and to construct the groin extensions. This equipment will have to traverse the beach portion of the action area, which could result in harm to nesting sea turtles, their nests, and emerging hatchlings. In addition, a trench will be excavated on the beach and may be present during the night for some portion of construction, creating a potential threat to nesting females and emerging hatchlings. While a nest monitoring and egg relocation program would reduce these impacts, nests may be inadvertently missed (when crawls are obscured by rainfall, wind, or tides) or misidentified as false crawls during daily patrols. In addition, nests may be destroyed by operations at night prior to beach patrols being performed. Even under the best of conditions, about 7 percent of the nests can be misidentified as false crawls by experienced sea turtle nest surveyors (Schroeder 1994).

Following construction, the extended groins have the potential to adversely affect sea turtles. For instance, they may interfere with the egress and ingress of adult females at nesting sites; alter downdrift beach profiles through erosion, escarpment formation, and loss of berms; trap or obstruct hatchlings during a critical life-history stage; increase hatchling and adult female energy expenditure in attempts to overcome the structures; and attract additional predatory fish or concentrate existing predatory fish, thereby increasing the potential of hatchling predation.

### *Potential direct effects associated with project construction*

#### 1. Nest relocation

Besides the potential for missing nests during surveys, there is a potential for eggs to be damaged by nest relocation, particularly if eggs are not relocated within 12 hours of deposition (Limpus et al. 1979). Relocated nests can incubate at different temperatures than nests left to incubate in place (*in situ*) (Mrosvosky and Yntema 1980, Hoekert et al. 1998, Başkale and Kaska 2005, Tuttle 2007, Bimbi 2009, Tuttle and Rostal 2010, Pintus et al. 2009) and cause skewed sex ratios (Morreale et al. 1982, Godfrey et al. 1997). Relocated nests can also have higher or lower hatch success and hatchling emergence than *in situ* nests (Wyneken et al. 1988, Hoekert et al. 1998, García et al. 2003, Moody 2000, Kornaraki et al. 2006, Tuttle 2007, McElroy 2009, Pintus et al. 2009) depending on relocation technique and environmental conditions.

Nest relocation can have adverse impacts on gas exchange parameters and the hydric environment of nests (Limpus et al. 1979, Ackerman 1980, Parmenter 1980, Spotila et al. 1983, McGehee 1990). Nests relocated into sands deficient in oxygen or moisture can result in mortality, morbidity, and reduced behavioral competence of hatchlings. Water availability is known to influence the incubation environment of the embryos and hatchlings of turtles with flexible-shelled eggs, which has been shown to affect nitrogen excretion (Packard et al. 1984), mobilization of calcium (Packard and Packard 1986), mobilization of yolk nutrients (Packard et al. 1985), hatchling size (Packard et al. 1981, McGehee 1990), energy reserves in the yolk at hatching (Packard et al. 1988), and locomotory ability of hatchlings (Miller et al. 1987).

## 2. Equipment during construction

The use of heavy machinery on beaches during a construction project may also have adverse effects on sea turtles. Equipment left on the nesting beach overnight can create barriers to nesting females emerging from the surf and crawling up the beach, causing a higher incidence of false crawls and unnecessary energy expenditure.

The operation of motor vehicles or equipment on the beach to complete the project work at night affects sea turtle nesting by: interrupting or colliding with a nesting turtle on the beach, headlights disorienting or misorienting emergent hatchlings, vehicles running over hatchlings attempting to reach the ocean, and vehicle ruts on the beach interfering with hatchlings crawling to the ocean. Apparently, hatchlings become diverted not because they cannot physically climb out of a rut (Hughes and Caine 1994), but because the sides of the track cast a shadow and the hatchlings lose their line of sight to the ocean horizon (Mann 1977). The extended period of travel required to negotiate tire ruts may increase the susceptibility of hatchlings to dehydration and depredation during migration to the ocean (Hosier et al. 1981). Driving directly above or over incubating egg clutches or on the beach can cause sand compaction, which may result in adverse impacts on nest site selection, digging behavior, clutch viability, and emergence by hatchlings, as well as directly kill pre-emergent hatchlings (Mann 1977, Nelson and Dickerson 1987, Nelson 1988).

Depending on duration of the project, vegetation may have become established in the vicinity of dune restoration sites. The physical changes and loss of plant cover caused by vehicles on vegetated areas or dunes can lead to various degrees of instability and cause dune migration. As vehicles move over the sand, sand is displaced downward, lowering the substrate. Since the vehicles also inhibit plant growth, and open the area to wind erosion, the beach and dunes may become unstable. Vehicular traffic on the beach or through dune breaches or low dunes may cause acceleration of overwash and erosion (Godfrey et al. 1978). Driving along the beachfront should be between the low and high tide water lines. To minimize the impacts to the beach and recovering dunes, transport and access to the dune restoration sites should be from the road. However, if the work needs to be conducted from the beach, the areas for the truck transport and bulldozer/bobcat equipment to work in should be designated and marked.

### 3. Artificial lighting

Visual cues are the primary sea-finding mechanism for hatchling sea turtles (Mrosovsky and Carr 1967, Mrosovsky and Shettleworth 1968, Dickerson and Nelson 1989, Witherington and Bjorndal 1991). When artificial lighting is present on or near the beach, it can misdirect hatchlings once they emerge from their nests and prevent them from reaching the ocean (Philibosian 1976, Mann 1977, FWC 2007). In addition, a significant reduction in sea turtle nesting activity has been documented on beaches illuminated with artificial lights (Witherington 1992). Therefore, construction lights along a project beach and on the dredging vessel may deter females from coming ashore to nest, misdirect females trying to return to the surf after a nesting event, and misdirect emergent hatchlings from adjacent non-project beaches.

The newly created wider and flatter beach berm exposes sea turtles and their nests to lights that were less visible, or not visible, from nesting areas before the sand placement activity, leading to a higher mortality of hatchlings. Review of over 10 years of empirical information from beach nourishment projects indicates that the number of sea turtles impacted by lights increases on the post-construction berm. A review of selected nourished beaches in Florida (South Brevard, North Brevard, Captiva Island, Ocean Ridge, Boca Raton, Town of Palm Beach, Longboat Key, and Bonita Beach) indicated disorientation reporting increased by approximately 300 percent the first nesting season after project construction and up to 542 percent the second year compared to pre-nourishment reports (Trindell 2005).

Specific examples of increased lighting disorientations after a sand placement project include Brevard and Palm Beach Counties, Florida. A sand placement project in Brevard County, completed in 2002, showed an increase of 130 percent in disorientations in the nourished area. Disorientations on beaches in the County that were not nourished remained constant (Trindell 2007). This same result was also documented in 2003 when another beach in Brevard County was nourished and the disorientations increased by 480 percent (Trindell 2007). Installing appropriate beachfront lighting is the most effective method to decrease the number of disorientations on any developed beach including nourished beaches. A shoreline protection project was constructed at Ocean Ridge in Palm Beach County, Florida, between August 1997 and April 1998. Lighting disorientation events increased after nourishment. In spite of continued aggressive efforts to identify and correct lighting violations in 1998 and 1999, 86 percent of the disorientation reports were in the nourished area in 1998 and 66 percent of the reports were in the nourished area in 1999 (Howard and Davis 1999).

### 4. Entrapment/physical obstruction

Groins have the potential to interfere with the egress or ingress of adult females at nesting sites where they may proceed around them successfully, abort nesting for that night, or move to another section of beach to nest. This may cause an increase in energy expenditure, and, if the body of the groins are exposed, may act as a barrier between beach segments and also prevent nesting on the adjacent beach. In general, the groins are exposed to dissipate wave

energy and facilitate sand bypass, functioning in many cases to stabilize the beach and adjacent areas.

Typically, sea turtles emerge from the nest at night when lower sand temperatures elicit an increase in hatchling activity (Witherington et al. 1990). After emergence, approximately 20 to 120 hatchlings crawl en masse immediately to the surf using predominately visual cues to orient them (Witherington and Salmon 1992, Lohmann et al. 1997). Upon reaching the water, sea turtle hatchlings orient themselves into the waves and begin a period of hyperactive swimming activity, or swim frenzy, which lasts for approximately 24 hours (Salmon and Wyneken 1987, Wyneken et al. 1990, Witherington 1991). The swim frenzy effectively moves the hatchling quickly away from shallow, predator rich, nearshore waters to the relative safety of deeper water (Gyuris 1994, Wyneken 2000). The first hour of a hatchling's life is precarious and predation is high, but threats decrease as hatchlings distance themselves from their natal beaches (Stancyk 1995, Pilcher et al. 2000). Delays in hatchling migration (both on the beach and in the water) can cause added expenditures of energy and an increase of time spent in predator rich nearshore waters. On rare occasions, hatchlings will encounter natural nearshore features that are similar to the emergent structures proposed for this project. However, observations of hatchling behavior during an encounter with a sand bar at low tide, a natural shore-parallel barrier, showed the hatchlings maintained their shore-perpendicular path seaward, by crawling over the sand bar versus deviating from this path to swim around the sand bar through the trough, an easier alternative. In spite of the groin design features, the groin may adversely affect sea turtle hatchlings by serving as a barrier or obstruction to sea turtle hatchlings and delaying offshore migration; depleting or increasing expenditure of the "swim frenzy" energy critical for allowing hatchlings to reach the relative safety of offshore development areas; and possibly entrapping hatchlings within the groin or within eddies or other associated currents.

### Indirect Effects

Many of the direct effects of beach nourishment may persist over time and become indirect impacts. These indirect effects include increased susceptibility of relocated nests to catastrophic events, the consequences of potential increased beachfront development, changes in the physical characteristics of the beach, the formation of escarpments, and future sand migration.

#### Increased susceptibility to catastrophic events

Nest relocation within a nesting season may concentrate eggs in an area making them more susceptible to catastrophic events. Hatchlings released from concentrated areas also may be subject to greater predation rates from both land and marine predators, because the predators learn where to concentrate their efforts (Glenn 1998, Wyneken et al. 1998).

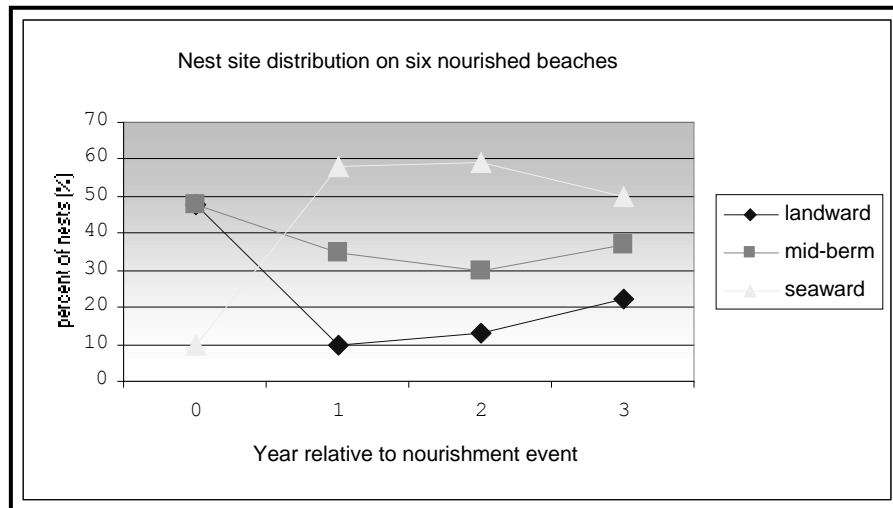
### 1. Increased beachfront development

Pilkey and Dixon (1996) stated that beach replenishment frequently leads to more development in greater density within shorefront communities that are then left with a future of further replenishment or more drastic stabilization measures. Dean (1999) also noted that the very existence of a beach nourishment project can encourage more development in coastal areas. Following completion of a beach nourishment project in Miami during 1982, investment in new and updated facilities substantially increased tourism there (National Research Council 1995). Increased building density immediately adjacent to the beach often resulted as much larger buildings that accommodated more beach users replaced older buildings. Overall, shoreline management creates an upward spiral of initial protective measures resulting in more expensive development that leads to the need for more and larger protective measures. Increased shoreline development may adversely affect sea turtle nesting success. Greater development may support larger populations of mammalian predators, such as foxes and raccoons, than undeveloped areas (National Research Council 1990a), and can also result in greater adverse effects due to artificial lighting, as discussed above.

### 3. Changes in the physical environment

Beach nourishment may result in changes in sand density (compaction), beach shear resistance (hardness), beach moisture content, beach slope, sand color, sand grain size, sand grain shape, and sand grain mineral content if the placed sand is dissimilar from the original beach sand (Nelson and Dickerson 1988a). These changes could result in adverse impacts on nest site selection, digging behavior, clutch viability, and hatchling emergence (Nelson and Dickerson 1987, Nelson 1988).

Beach nourishment projects create an elevated, wider, and unnatural flat slope berm. Sea turtles nest closer to the water the first few years after nourishment because of the altered profile (and perhaps unnatural sediment grain size distribution) (Ernest and Martin 1999, Trindell 2005) (**Figure 7**).



**Figure 7. Review of sea turtle nest site selection following nourishment (Trindell 2005).**

Beach compaction and unnatural beach profiles resulting from beach nourishment activities could negatively impact sea turtles regardless of the timing of projects. Very fine sand or the use of heavy machinery can cause sand compaction on nourished beaches (Nelson et al. 1987, Nelson and Dickerson 1988a). Significant reductions in nesting success (*i.e.*, false crawls occurred more frequently) have been documented on severely compacted nourished beaches (Fletemeyer 1980, Raymond 1984, Nelson and Dickerson 1987, Nelson et al. 1987), and increased false crawls may result in increased physiological stress to nesting females. Sand compaction may increase the length of time required for female sea turtles to excavate nests and cause increased physiological stress to the animals (Nelson and Dickerson 1988b). Nelson and Dickerson (1988c) concluded that, in general, beaches nourished from offshore borrow sites are harder than natural beaches, and while some may soften over time through erosion and accretion of sand, others may remain hard for 10 years or more.

These impacts can be minimized by using suitable sand and by tilling (minimum depth of 36 inches) compacted sand after project completion. The level of compaction of a beach can be assessed by measuring sand compaction using a cone penetrometer (Nelson 1987). Tilling of a nourished beach with a root rake may reduce the sand compaction to levels comparable to unnourished beaches. However, a pilot study by Nelson and Dickerson (1988c) showed that a tilled nourished beach will remain uncompacted for only up to 1 year. Thus, multi-year beach compaction monitoring and, if necessary, tilling would help to ensure that project impacts on sea turtles are minimized.

A change in sediment color on a beach could change the natural incubation temperatures of nests in an area, which, in turn, could alter natural sex ratios. To provide the most suitable sediment for nesting sea turtles, the color of the nourished sediments should resemble the natural beach sand in the area. Natural reworking of sediments and bleaching from exposure to the sun would help to lighten dark nourishment sediments; however, the timeframe for sediment mixing and bleaching to occur could be critical to a successful sea turtle nesting season.

#### 4. Escarpment formation

On nourished beaches, steep escarpments may develop along their water line interface as they adjust from an unnatural construction profile to a more natural beach profile (Coastal Engineering Research Center 1984, Nelson et al. 1987). Escarpments can hamper or prevent access to nesting sites (Nelson and Blihovde 1998). Researchers have shown that female sea turtles coming ashore to nest can be discouraged by the formation of an escarpment, leading to situations where they choose marginal or unsuitable nesting areas to deposit eggs (e.g., in front of the escarpments, which often results in failure of nests due to prolonged tidal inundation). This impact can be minimized by leveling any escarpments prior to the nesting season.

Escarpments may develop on beaches between groins as the beaches equilibrate to their final profiles. Escarpments can hamper or prevent access to nesting sites (Nelson and Blihovde 1998) and can cause adult females to choose unsuitable nesting areas, such as seaward of an escarpment. These nest sites commonly receive prolonged tidal inundation and erosion, which results in nest failure.

#### 5. Construction of groins

Groins operate by blocking the natural longshore transport of littoral drift (Kaufman and Pilkey 1979, Komar 1983). Once sand fills the updrift groin area, some littoral drift deposition on adjacent downdrift beaches occurs due to spillover. However, groins often force the river of sand into deeper offshore water, and sand that previously would have been deposited on downdrift beaches is lost from the system (Kaufman and Pilkey 1979). Conventional rubble mound groins control erosion by trapping sand and dissipating some wave energy. In general, except for terminal groins at the downdrift limit of a littoral cell, groins are not considered favorable erosion control alternatives because they usually impart stability to the updrift beach and transfer erosion to the downdrift side of the structure. In addition, groins deflect longshore currents offshore, and excess sand builds up on the updrift side of the structure, which may be carried offshore by those currents. This aggravates downdrift erosion and erosion escarpments are common on the downdrift side of groins (Humiston and Moore 2001).

Erosion control structures (e.g., terminal groins, T-groins, and breakwaters), in conjunction with beach nourishment, can help stabilize U.S. Gulf and Atlantic coast barrier island beaches (Leonard et al. 1990). However, groins often result in accelerated beach erosion downdrift of the structures (Komar 1983, National Research Council 1987) and corresponding degradation of suitable sea turtle nesting habitat (NMFS and Service 1991, 1992). Initially, the greatest changes are observed close to the structures, but effects may eventually extend significant distances along the coast (Komar 1983).

Construction of a groin during the nesting season may result in the destruction of nests, disturbance of females attempting to nest, and disorientation of emerging hatchlings from project lighting. Following construction, the presence of groin may interfere with nesting turtle access to the beach, result in a change in beach profile and width (downdrift erosion, loss of sandy berms, and escarpment formation), trap hatchlings, and concentrate predatory fishes, resulting in higher probabilities of hatchling predation.

#### 6. Erosion control structure breakdown

If erosion control structures fail and break apart, the resulting debris may be spread upon the beach, which may further impede nesting females from accessing suitable nesting sites (resulting in a higher incidence of false crawls) and trap hatchlings and nesting turtles (NMFS and Service 1991).

As the groin structures fail and break apart, they spread debris on the beach, which may further impede nesting females from accessing suitable nesting sites (resulting in a higher incidence of false crawls) and trap hatchlings and nesting turtles (NMFS and Service 1991, 1992, 1993).

#### 7. Sand migration and erosion

Future sand displacement on nesting beaches is a potential effect of the nourishment project. Dredging of sand offshore from a project area has the potential to cause erosion of the newly created beach or other areas on the same or adjacent beaches by creating a sand sink. The remainder of the system responds to this sand sink by providing sand from the beach to attempt to reestablish equilibrium (National Research Council 1990b).

#### *Species' response to a proposed action*

The following summary illustrates sea turtle responses to and recovery from a nourishment project comprehensively studied by Ernest and Martin (1999). A significantly larger proportion of turtles emerging on nourished beaches abandoned their nesting attempts than turtles emerging on natural or pre-nourished beaches. This reduction in nesting success is most pronounced during the first year following project construction and is most likely the result of changes in physical beach characteristics associated with the nourishment project (e.g., beach profile, sediment grain size, beach compaction, frequency, and extent of escarpments). During the first post-construction year, the time required for turtles to excavate an egg chamber on untilled, hard-packed sands increases significantly relative to natural conditions. However, tilling (minimum depth of 24 inches) is effective in reducing sediment compaction to levels that did not significantly prolong digging times. As natural processes reduced compaction levels on nourished beaches during the second post-construction year, digging times returned to natural levels (Ernest and Martin 1999).



During the first post-construction year, nests on nourished beaches are deposited significantly seaward of the toe of the dune and significantly landward of the tide line than nests on natural beaches. More nests are washed out on the wide, flat beaches of the nourished treatments than on the narrower steeply sloped natural beaches. This phenomenon may persist through the second post-construction year monitoring and result from the placement of nests near the seaward edge of the beach berm where dramatic profile changes, caused by erosion and scarping, occur as the beach equilibrates to a more natural contour.

The principal effect of beach nourishment on sea turtle reproduction is a reduction in nesting success during the first year following project construction. Although most studies have attributed this phenomenon to an increase in beach compaction and escarpment formation, Ernest and Martin (1999) indicated that changes in beach profile may be more important. Regardless, as a nourished beach is reworked by natural processes in subsequent years and adjusts from an unnatural construction profile to a natural beach profile, beach compaction and the frequency of escarpment formation decline, and nesting and nesting success return to levels found on natural beaches. The Service anticipates nesting females to avoid the project area or abort nesting attempts within the project area if project construction occurs during the nesting season (May 1 – October 31).

The Service determined there is a potential for long-term adverse effects on sea turtles, particularly hatchlings, as a result of the extension of the existing groins. However, the Service acknowledges the potential benefits of the erosion control structure since it may minimize the effects of erosion on sea turtle nesting habitat and extend the sand placement interval. Nonetheless, an increase in sandy beach may not necessarily equate to an increase in suitable sea turtle nesting habitat.

## **CUMULATIVE EFFECTS**

Cumulative effects include the effects of future State, tribal, local, or private actions that are reasonably certain to occur in the action area considered in this BO. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the ESA. The Service is not aware of any cumulative effects in the project area at this time.

## **CONCLUSION**

After reviewing the current status of the loggerhead sea turtle, the environmental baseline for the action area, the effects of the proposed sand placement, dune construction, and groin lengthening, the cumulative effects, and the proposed conservation measures, it is the Service's biological opinion that the sand placement as well as the construction and extension of the existing groins as proposed, is not likely to jeopardize the continued existence of the loggerhead sea turtle. It is the Service's conference opinion that the sand placement as well as the construction and extension of the existing groins as proposed, is not likely to destroy or adversely modify critical habitat proposed for designation.

The conservation of the five loggerhead recovery units in the Northwest Atlantic is essential to the recovery of the loggerhead sea turtle. Each individual recovery unit is necessary to conserve genetic and demographic robustness, or other features necessary for long-term sustainability of the entire population. Thus, maintenance of viable nesting in each recovery unit contributes to the overall population. One of the five loggerhead recovery units in the Northwest Atlantic, the NRU, occurs within the action area. Of the available nesting habitat within the NRU, project construction will occur and/or will likely have an effect on approximately 22,000 linear feet of shoreline.

Research has shown that the principal effect of sand placement on sea turtle reproduction is a reduction in nesting success, and this reduction is most often limited to the first year following project construction. Research has also shown that the impacts of a nourishment project on sea turtle nesting habitat are typically short-term because a nourished beach will be reworked by natural processes in subsequent years, and beach compaction and the frequency of escarpment formation will decline. Long-term adverse effects to adult and hatchling sea turtles of the lengthening of the existing groins are uncertain and will be difficult to distinguish. Although a variety of factors, including some that cannot be controlled, can influence how a nourishment project and an erosion control structure construction project will perform from an engineering perspective, measures can be implemented to minimize adverse impacts to sea turtles. Take of sea turtles will be minimized by implementation of the Reasonable and Prudent Measures, and Terms and Conditions outline below. These measures have been shown to help minimize adverse impacts to sea turtles.

## **INCIDENTAL TAKE STATEMENT**

Section 9 of the ESA and Federal regulation pursuant to section 4(d) of the ESA prohibit the take of endangered or threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited under the ESA provided that such taking is in compliance with the terms and conditions of this incidental take statement.

The measures described below are non-discretionary, and must be implemented by the Corps and/or their contractors so that they become binding conditions of any grant or permit issued, as appropriate, for the exemption in section 7(o)(2) to apply. The Corps has a continuing duty to regulate the activity covered by this incidental take statement. If the Corps and/or

their contractors (1) fail(s) to assume and implement the terms and conditions or (2) fail(s) to require the applicant to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the Corps must report the progress of the action and its impacts on the species to the SCFO as specified in the incidental take statement [50 CFR §402.14(i)(3)].

## **AMOUNT OR EXTENT OF TAKE ANTICIPATED**

The Service anticipates 22,000 linear feet of nesting beach habitat could be taken as a result of this proposed action. The take is expected to be in the form of: (1) Destruction of all nests that may be constructed and eggs that may be deposited and missed by a nest survey and nest relocation program (May 1 – October 31) within the boundaries of the proposed project; (2) destruction of all nests deposited during the period when a nest survey and nest relocation program is not required to be in place (November 1 – April 30) within the boundaries of the proposed project; (3) harassment in the form of disturbing or interfering with female turtles attempting to nest within the construction area or on adjacent beaches as a result of construction activities; (4) misdirection of nesting sea turtles or hatchling turtles on beaches within the boundaries of the proposed project or beaches adjacent to the construction area as they emerge from the nest and crawl to the water as a result of increased sand accretion due to the presence of the groin or jetty; (5) behavior modification of nesting females due to escarpment formation, resulting in false crawls or situations where they choose marginal or unsuitable nesting areas to deposit eggs; (6) Destruction of nests from escarpment leveling within a nesting season when such leveling has been approved by the Service; (7) behavior modification of nesting females or hatchlings due to the presence of groin, which may act as barriers to movement or cause disorientation of turtles while on the nesting beach; (8) physical entrapment of hatchling sea turtles on the nesting beach due to the presence of the groin; behavior modification of nesting females if they dig above a buried portion of the structure, resulting in false crawls or situations where they choose marginal or unsuitable nesting areas; and (9) obstructed or entrapped an unknown number of adult and hatchling sea turtles during ingress or egress at nesting sites.

Incidental take is anticipated for only the 22,000 linear feet of beach that have been identified. The Service anticipates incidental take of sea turtles will be difficult to detect for the following reasons: (1) the turtles nest primarily at night and all nests are not found because [a] natural factors, such as rainfall, wind, and tides may obscure crawls and [b] human-caused factors, such as pedestrian and vehicular traffic, may obscure crawls, and result in nests being destroyed because they were missed during a nesting survey and nest mark and avoidance program (2) the total number of hatchlings per undiscovered nest is unknown; (3) an unknown number of females may avoid the project beach and be forced to nest in a less than optimal area; (4) lights may misdirect an unknown number of hatchlings and cause death; (5) an unknown number of adult and hatchling sea turtles may be obstructed or entrapped during ingress or egress at nesting sites; and (6) escarpments may form and prevent an unknown number of females from accessing a suitable nesting site. However, the level of take of these species can be anticipated by the construction and

presence of the groin; on suitable turtle nesting beach habitat because: (1) turtles nest within the project site; (2) construction will likely occur during a portion of the nesting season; (3) the groin construction project will modify beach profile and width and increase the presence of escarpments; and (4) artificial lighting will deter and/or misdirect nesting hatchling turtles.

## **EFFECT OF THE TAKE**

In the accompanying BO, the Service determined that this level of anticipated take is not likely to result in jeopardy to the species. Critical habitat has been proposed to be designated in the project area; however, the project will not result in destruction or adverse modification of proposed critical habitat due to the minimization measures incorporated below.

## **REASONABLE AND PRUDENT MEASURES**

The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize take of the loggerhead sea turtle.

1. Conservation Measures included in the permit application/project plans must be implemented (unless revised below in the Terms and Conditions) in the proposed project.
2. Beach quality sand suitable for sea turtle nesting, successful incubation, and hatchling emergence must be used for sand placement.
3. All derelict concrete, metal, coastal armoring material or other debris must be removed from the beach prior to any construction.
4. During the sea turtle nesting season (May 1 – October 31), surveys for nesting sea turtles must be conducted. If nests are constructed in the area of material placement the eggs must be relocated to minimize sea turtle nest burial, crushing of eggs, or nest excavation.
5. Beach compaction must be monitored and tilling (non-vegetated areas) must be conducted if needed immediately after completion of the sand placement work and prior to the next three nesting seasons to reduce the likelihood of impacting sea turtle nesting and hatching activities.
6. Escarpment formation must be monitored and leveling will be conducted if needed immediately after completion of the sand placement project and prior to the next three nesting seasons to reduce the likelihood of impacting nesting and hatchling sea turtles.
7. Construction equipment and materials for sand placement must be stored in a manner that will minimize impacts to nesting and hatchling sea turtles to the maximum extent practicable. During the portion of the nesting season that overlaps with the

construction window, all excavations and temporary alteration of beach topography will be filled or leveled to the natural beach profile prior to 9 p.m. each day.

8. Lighting associated with sand placement must be reduced to the minimum standard required by Occupational Safety and Health Administration for General Construction areas to minimize to the possibility of disrupting and disorienting nesting sea turtles. No permanent exterior lighting will be installed in association with this construction project. Temporary lighting will be allowed if safety lighting is required at any excavated trenches that must remain on the beach at night.
9. During the sea turtle nesting season, the contractor will not extend the beach fill more than 500 feet along the shoreline between dusk and the following day until the daily nesting survey has been completed and the beach cleared for fill advancement.
10. If any nesting turtles are sighted on the beach, construction activities must cease immediately until the turtle has returned to the water.
11. During the portion of the nesting season that overlaps with the construction window, on-beach access to the construction site will be restricted to the wet sand below MHW.
12. The placement and design of the dune must emulate the natural dune system to the maximum extent possible, including the dune configuration and shape.
13. Predator-proof trash receptacles must be installed and maintained at all beach access points used for the project construction to minimize the potential for attracting predators of sea turtles.
14. The SCFO and SCDNR must be notified if a sea turtle adult, hatchling, or egg is harmed or destroyed as a direct or indirect result of the project.
15. The Corps and the Town of Edisto Beach must take actions to minimize sea turtle misorientations/disorientations on the beach due to artificial beachfront lighting and construction lighting during the nesting season from May 1 through October 31.
16. A post construction survey(s) of all artificial lighting visible from the project beach must be completed by the Corps.
17. A meeting between representatives of the contractor, the SCFO, SCDNR, and the permitted sea turtle and shorebird surveyor(s) must be held prior to the commencement of work on this project.
18. A report describing the actions taken to implement the terms and conditions of this incidental take statement must be submitted to the SCFO following completion of the proposed work.

19. The Corps will hire monitors with sea turtle experience to patrol the beach at night in the project area if nighttime construction activities and equipment occur during the nesting season.
20. If vegetation planting is included in the project, all planting must be designed and conducted to minimize impacts to sea turtles.
21. Existing vegetated habitat at each of the beach access points must be protected to the maximum extent practicable and must be delineated by post and rope or other suitable material to ensure vehicles and equipment transport stay within the access corridor. Any vegetated areas impacted must be restored to pre-construction conditions. New beach access locations created for the project work must be approved by the SCFO and SCDNR.
22. Expanded or newly created beach access points must be restored to dune habitat within three months following project completion. The habitat restoration must consist of restoring the dune topography and planting with appropriate native dune vegetation (i.e., native to coastal dunes in South Carolina).

## **TERMS AND CONDITIONS**

In order to be exempt from the prohibitions of section 9 of the ESA, the Corps will include the following terms and conditions, which implement the reasonable and prudent measures, (RPM) described above and outline required reporting/monitoring requirements. These terms and conditions (T&Cs) are non-discretionary.

1. Conservation Measures included in the permit application/project plans must be implemented in the proposed project. This includes the timing of the proposed project to avoid the period of peak sea turtle egg laying and egg hatching, to reduce the possibility of sea turtle nest burial, crushing of eggs, or nest excavation.
2. Beach compatible fill must be placed on the beach or in any associated dune system. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system. Such material must be predominately of carbonate, quartz or similar material with a particle size distribution ranging between 0.062mm and 4.76mm (classified as sand by either the Unified Soils or the Wentworth classification), must be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material in the historic beach sediment at the disposal site, and must not contain:
  - a. Greater than five percent, by weight, silt, clay or colloids passing the #230 sieve;
  - b. Greater than five percent, by weight, fine gravel retained on the #4 sieve (- 2.25φ);

- c. Coarse gravel, cobbles or material retained on the 3/4 inch sieve in a percentage or size greater than found on the native beach;
- d. Construction debris, toxic material or other foreign matter; and
- e. Material that will result in cementation of the beach.

If rocks or other non-specified materials appear on the surface of the filled beach in excess of 50% of background in any 10,000 square foot area, then surface rock should be removed from those areas. These areas must also be tested for subsurface rock percentage and remediated as required. If the natural beach exceeds any of the limiting parameters listed above, then the fill material must not exceed the naturally occurring level for that parameter on nearby native beaches.

These standards must not be exceeded in any 10,000 square foot section extending through the depth of the nourished beach. If the native beach exceeds any of the limiting parameters listed above, then the fill material must not exceed the naturally occurring level for that parameter on nearby native beaches.

- 3. All derelict concrete, metal, and coastal armoring material and other debris must be removed from the beach prior to any dredged material placement to the maximum extent practicable. If debris removal activities will take place during the sea turtle nesting season, the work must be conducted during daylight hours only and must not commence until completion of the sea turtle survey each day.
- 4. Daily early morning surveys for sea turtle nests will be required if construction coincides with the beginning of sea turtle nesting season (May 1 – June 30). No construction activity can begin until completion of the sea turtle nesting survey each day. Nesting surveys must continue through the end of the project or through October 31, whichever is earlier. If nests are constructed in areas where they may be affected by construction activities, the nests must be relocated per the following requirements.
  - a. Nesting surveys and nest relocation will only be conducted by personnel with prior experience and training in nesting survey and nest marking procedures. Surveyors must have a valid SCDNR permit. Nesting surveys must be conducted daily between sunrise and 9 a.m.
  - b. Only those nests that may be affected by sand placement activities will be relocated. Nests requiring relocation will be moved no later than 9 a.m. the morning following deposition to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. Relocated nests will not be placed in organized groupings. Relocated nests will be randomly staggered along the length and width of the beach in settings that are not expected to experience daily inundation by high tides or known to routinely experience severe erosion and egg loss, or subject to artificial lighting. Nest

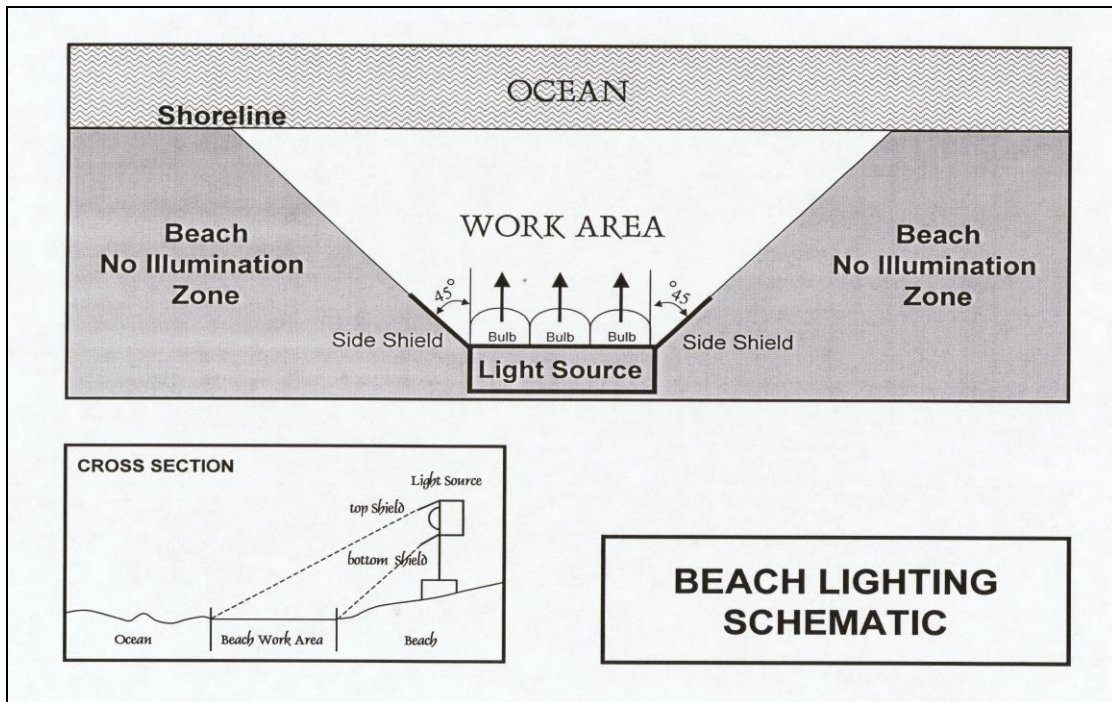
relocations in association with construction activities must cease when construction activities no longer threaten nests.

- c. Nests deposited within areas where construction activities have ceased or will not occur for 70 days or nests laid in the nourished berm prior to tilling must be marked and left in situ unless other factors threaten the success of the nest. The turtle permit holder will install an on-beach marker at the nest site or a secondary marker at a point as far landward as possible to assure that future location of the nest will be possible should the on-beach marker be lost. No activity will occur within this area nor will any activities occur which could result in impacts to the nest. Nest sites will be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.
5. Sand compaction must be monitored in the area of sand placement immediately after completion of the project and prior to May 1 for three subsequent years. Sand compaction monitoring results must be provided to the SCFO. If tilling is needed, the area will be tilled to a depth of 24 inches. Each pass of the tilling equipment will be overlapped to allow more thorough and even tilling. All tilling activity will be completed at least once prior to nesting season. An electronic copy of the results of the compaction monitoring will be submitted to the SCFO prior to any tilling actions being taken or if a request not to till is made based on compaction results. The requirement for compaction monitoring can be eliminated if the decision is made to till regardless of post construction compaction levels. Additionally, out-year compaction monitoring and remediation are not required if placed material no longer remains on the dry beach. If tilling occurs during shorebird nesting season (February 15 – August 31), shorebird surveys prior to tilling are required per the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. §§ 703-712).
    - a. Compaction sampling stations must be located at 500-foot intervals along the sand placement template. One station will be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station will be midway between the dune line and the high water line (normal wrack line).
    - b. At each station, the cone penetrometer will be pushed to a depth of 6, and 12 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers. Replicates will be located as close to each other as possible, without interacting with the previous hole or disturbed sediments. The three replicate compaction values for each depth will be averaged to produce final values for each depth at each station. Reports will include all 18 values for each transect line, and the final six averaged compaction values.



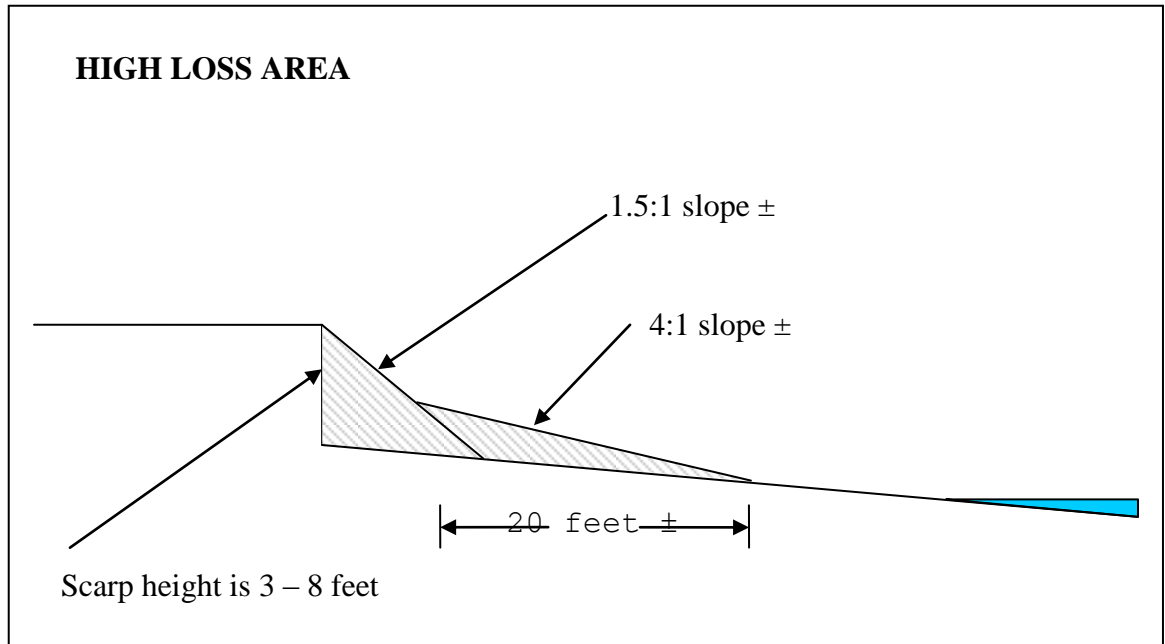
- c. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area must be tilled immediately prior to the dates listed above.
  - d. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the Service will be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required.
  - e. Tilling will occur landward of the wrack line and avoid all vegetated areas three square feet or greater with a three square foot buffer around the vegetated areas.
6. Visual surveys for escarpments along the project area must be made immediately after completion of the sand placement and within 30 days prior to May 1 for three subsequent years if sand in the project area still remains on the dry beach. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet must be leveled and the beach profile must be reconfigured to minimize scarp formation by the dates listed above. Any escarpment removal must be reported by location. If the project is completed during the early part of the sea turtle nesting and hatching season, escarpments may be required to be leveled immediately, while protecting nests that have been relocated or left in place. The SCFO must be contacted immediately if subsequent reformation of escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet occurs during the nesting and hatching season to determine the appropriate action to be taken. If it is determined that escarpment leveling is required during the nesting or hatching season, the Service will provide a brief written authorization within 30 days that describes methods to be used to reduce the likelihood of impacting existing nests. An annual summary of escarpment surveys and actions taken will be submitted to the SCFO.
7. During the sea turtle nesting season, nighttime storage of construction equipment not in use must be off the beach to minimize disturbance to sea turtle nesting and hatching activities. In addition, all construction pipes placed on the beach must be located as far landward as possible without compromising the integrity of the dune system. Temporary storage of pipes must be off the beach to the maximum extent possible. If the pipes are stored on the beach, they must be placed in a manner that will minimize the impact to nesting habitat and must not compromise the integrity of the dune systems. All excavations and temporary alteration of beach topography will be filled or leveled to the natural beach profile prior to 9 p.m. each day. During any periods when excavated trenches must remain on the beach at night, nighttime sea turtle monitoring by the sea turtle permit holder will be required in the project area in order to further reduce possible impacts to nesting sea turtles. Nighttime monitors will record data on false crawls, successful nesting, and any additional activities of nesting or hatchling sea turtles in the project area.

8. Prior to the beginning of the project, the Corps must submit a lighting plan for the dredge that will be used for the project. The plan must include a description of each light source that will be visible from the beach and the measures implemented to minimize this lighting. The plan must be reviewed and approved by the SCFO.
  
9. Direct lighting of the beach and nearshore waters must be limited to the immediate construction area during nesting season and must comply with safety requirements. Lighting on all equipment must be minimized through reduction, shielding, lowering, and appropriate placement to avoid excessive illumination of the water's surface and nesting beach while meeting all Coast Guard, Corps EM 385-1-1, and OSHA requirements. Light intensity of lighting equipment must be reduced to the minimum standard required by OSHA for General Construction areas, in order not to misdirect sea turtles. Shields must be affixed to the light housing and be large enough to block light from all lamps from being transmitted outside the construction area (**Figure 8**). **The Corps' Charleston District Environmental Staff must monitor compliance with the lighting schematic on a weekly basis by making unscheduled night site visits from July 1 through September 30 to minimize hatchling disorientations. Noncompliance documented twice during this window will result in no construction from 9 p.m. until 6 a.m. through September 30.**

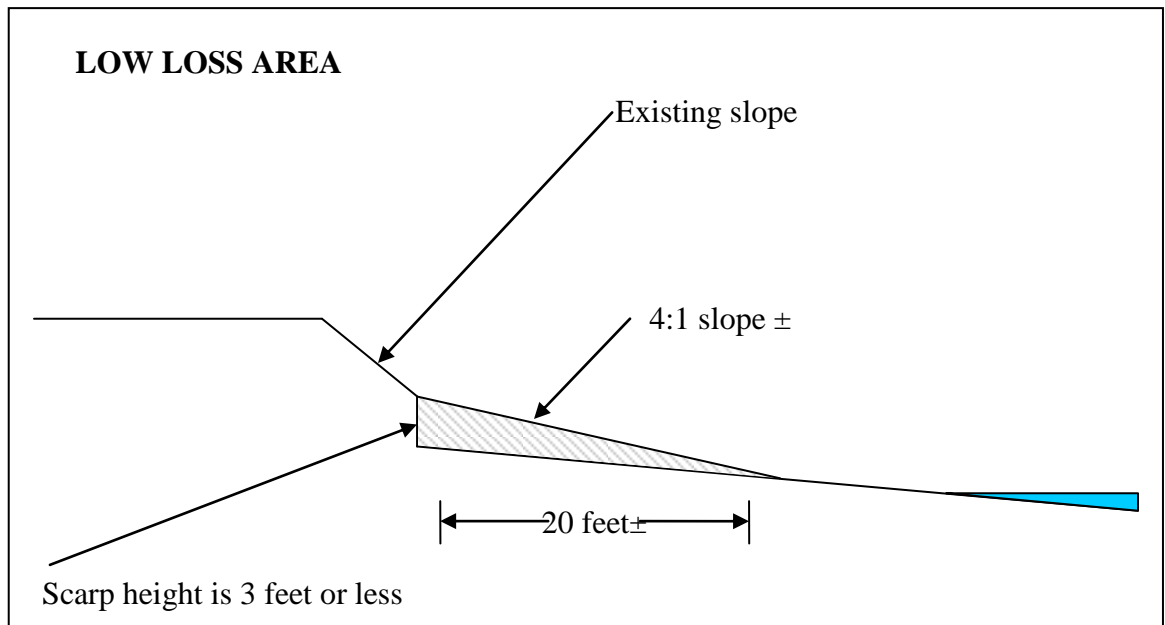


**Figure 8. Beach lighting schematic.**

10. During the sea turtle nesting season, the contractor must not extend the beach fill more than 500 feet along the shoreline between dusk and dawn and the following day until the daily nesting survey has been completed and the beach cleared for fill advancement. An exception to this may occur if there is permitted sea turtle surveyor present on-site to ensure no nesting and hatching sea turtles are present within the extended work area. If the 500 feet is not feasible for the project, an agreed upon distance will be decided on during the preconstruction meeting. Once the beach has been cleared and the necessary nest relocations have been completed, the contractor will be allowed to proceed with the placement of fill during daylight hours until dusk at which time the 500-foot length (or other agreed upon length) limitation will apply. If any nesting turtles are sighted on the beach within the immediate construction area, activities will cease immediately until the turtle has returned to the water and the sea turtle permit holder responsible for nest monitoring has relocated the nest.
11. If any nesting turtles are sighted on the beach, construction activities within 500 feet must cease immediately until the turtle has returned to the water, and the sea turtle permit holder responsible for nest monitoring has marked any nest that may have been laid for avoidance.
12. During the nest laying and hatching season, on-beach access to the construction site will be restricted to the wet sand below MHW.
13. Dune restoration or creation included in the project design must have a slope of 1.5:1 followed by a gradual slope of 4:1 for approximately 20 feet seaward on a high erosion beach (**Figure 9**) or a 4:1 slope (**Figure 10**) on a low erosion beach. If another slope is proposed for use, the Corps must consult the SCFO.



**Figure 9. Recommended slope on a high erosion beach for sand placement projects that include the creation of a dune.**



**Figure 10. Recommended slope on a low erosion beach for sand placement projects that include the creation of a dune.**

14. Predator-proof trash receptacles must be installed and maintained during construction at all beach access points used for the project construction to minimize the potential for attracting predators of sea turtles. The contractors conducting the work must provide predator-proof trash receptacles for the construction workers. All contractors

and their employees must be briefed on the importance of not littering and keeping the project area trash and debris free.

15. Upon locating a sea turtle adult, hatchling, or egg harmed or destroyed as a direct or indirect result of the project, notification must be made to the SCDNR Hotline at 1-800-922-5431 and SCFO at 843-727-4707.
16. No permanent exterior lighting will be installed in association with this construction project. Lighting will be allowed if safety lighting is required at any excavated trenches that must remain on the beach at night.
17. Two surveys must be conducted of all lighting visible from the beach placement area by the Corps, using standard techniques for such a survey (**Appendix B**), in the year following construction. The first survey must be conducted between May 1 and May 15 and a brief summary provided to the SCFO. The second survey must be conducted between July 15 and August 1. A summary report of the surveys, (include the following information: methodology of the survey, a map showing the position of the lights visible from the beach, a description of each light source visible from the beach, recommendations for remediation, and any actions taken), must be submitted to the SCFO within 3 months after the last survey is conducted. After the annual report is completed, a meeting must be set up with the Corps, The Town of Edisto Beach, SCDNR, and the Service to discuss the survey report, as well as any documented sea turtle disorientations in or adjacent to the project area. If the project is completed during the nesting season and prior to May 1, the contractor may conduct the lighting surveys during the year of construction.
18. A meeting between representatives of the contractor, SCFO, SCDNR, and the permitted sea turtle surveyor will be held prior to the commencement of work on this project. At least 10 business days advance notice will be provided prior to conducting this meeting. A conference call may be substituted for a meeting if agreed to by all parties. The meeting will provide an opportunity for explanation and/or clarification of the sea turtle protection measures as well as additional guidelines when construction occurs during the sea turtle nesting season, such as storing equipment, minimizing driving, as well as follow up meetings during construction.
19. A report with the information listed in the following table must be submitted to the SCFO within 3 months of the completion of construction.

All projects	Project location (latitude and longitude coordinates)
	Project description (include linear feet of beach, and access points)
	Dates of actual construction activities
	Names and qualifications of personnel involved in sea turtle nesting surveys and nest relocation

	Escarpment formation
	Remedial action

20. In the event the structure begins to disintegrate, all debris and structural material must be removed from the nesting beach area and deposited off site immediately. If removal of the structure is required during the period from May 1 to October 31, no work will be initiated without prior coordination with the Corps and the SCFO.

**CONSERVATION RECOMMENDATIONS**

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. Construction activities for this project and similar future projects should be planned to take place outside of the sea turtle nesting and hatching season.
2. Educational signs should be placed where appropriate at beach access points explaining the importance of the area to sea turtles and/or the life history of sea turtle species that nest in the area.

**Migratory Birds**

Nesting season surveys should be conducted in all potential beach-nesting bird habitats within the project boundaries that may be impacted by construction or pre-construction activities during the nesting season. Portions of the project in which there is no potential for project-related activity during the nesting season may be excluded.

If shorebird nesting activity is discovered within the project area, the Corps or applicants should establish a 300 ft-wide buffer zone around any location where shorebirds have been engaged in nesting behavior, including territory defense. Any and all construction activities, including movement of vehicles, should be prohibited in the buffer zone.

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

**REINITIATION - CLOSING STATEMENT**

This concludes formal consultation on the action outlined in your request for formal consultation for the proposed project. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of

incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion or the project has not been completed within five years of the issuance of this BO; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Section 9 of the ESA and Federal regulation pursuant to section 4(d) of the ESA prohibit the take of endangered or threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2) of the ESA, taking that is incidental to and not intended as part of the agency action is not considered to be prohibited under the ESA provided that such taking is in compliance with the terms and conditions of this incidental take statement.

The measures described below are non-discretionary, and must be implemented by the Corps so that they become binding conditions of any grant or permit issued to the Applicant, as appropriate, for the exemption in section 7(o)(2) to apply. The Corps has a continuing duty to regulate the activity covered by this incidental take statement. If the Corps (1) fails to assume and implement the terms and conditions or (2) fails to require the Applicant to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the Corps must report the progress of the action and its impacts on the species to the Service as specified in the incidental take statement [50 CFR §402.14(i)(3)].

For this BO, the incidental take will be exceeded when the sand placement of 22,000 linear feet of beach extends beyond the project's authorized boundaries. Incidental take of an undetermined number of young or eggs of sea turtles has been exempted from the prohibitions of section 9 of the ESA by this BO.

You may ask the Service to confirm the CO as a BO issued through formal consultation if the critical habitat for the Northwest Atlantic population of the loggerhead sea turtle is designated. The request must be in writing. If the Service reviews the proposed action and finds that there have been no significant changes in the action as planned or in the information used during the conference, the Service will confirm the CO as the BO on the

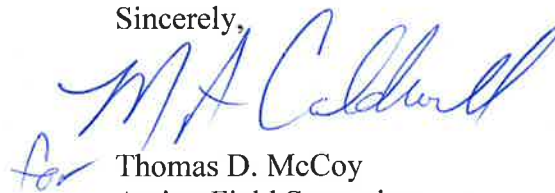
project and no further section 7 consultation will be necessary.

After designation of critical habitat for the Northwest Atlantic population of the loggerhead sea turtle and any subsequent adoption of this CO, the Corps will request reinitiation of the consultation if:

- 1) The amount or extent of incidental take is exceeded;
- 2) New information reveals effects of the agency action that may affect the critical habitat in a manner or to an extent not considered in this CO;
- 3) The agency action is subsequently modified in a manner that causes an effect to the critical habitat that was not considered in this CO; or
- 4) A new species is listed or critical habitat is designated that may be affected by the action.

The Service appreciates the cooperation of the Corps during this consultation. We would like to continue working with you and your staff regarding this project. For further coordination, please contact Ms. Melissa Bimbi at (843) 727-4707, ext. 217. In future correspondence concerning the project, please reference FWS Log No. 2013-F-0451.

Sincerely,

  
for Thomas D. McCoy  
Acting Field Supervisor

TDM/MKB

cc: USFWS, Atlanta, GA (Jerry Ziewitz) (via email)  
USFWS, Jacksonville, FL (Ann Marie Lauritsen) (via email)  
USFWS, Daphne, AL (Dianne Ingram) (via email)  
NMFS, Charleston, SC (Jaclyn Daly) (via email)  
SCDNR, Charleston, SC (Denise Sanger) (via email)  
SCDNR, Charleston, SC (Susan Davis) (via email)  
SCDNR, Charleston, SC (Michelle Pate) (via email)



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## **APPENDIX A: Standard Manatee Construction Conditions**

To reduce potential construction-related impacts to the manatee to discountable and insignificant levels, the Service recommends implementing the *Standard Manatee Construction Conditions* (FWC 2011), which are as follows:

The permittee will comply with the following manatee protection construction conditions:

- a. The permittee will instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
- b. The permittee will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. Siltation barriers must 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.
- d. All vessels associated with the construction project must operate at “no wake/idle” speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions must be implemented to ensure protection of the manatee. These precautions must include the operation of all moving equipment no closer than 50 feet to a manatee. Operation of any equipment closer than 50 feet to a manatee will necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/or injury to a manatee must be reported immediately to the SCDNR Hotline at 1-800-922-5431. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service (843-727-4707).

## **APPENDIX B**

### **ASSESSMENTS: DISCERNING PROBLEMS CAUSED BY ARTIFICIAL LIGHTING**

#### **EXCERPT FROM:**

UNDERSTANDING, ASSESSING, AND RESOLVING LIGHT-POLLUTION PROBLEMS ON SEA TURTLE  
NESTING BEACHES  
FLORIDA WILDLIFE RESEARCH INSTITUTE TECHNICAL REPORT TR-2  
REVISED 2003

### **LIGHTING INSPECTIONS**

## **WHAT ARE LIGHTING INSPECTIONS?**

During a lighting inspection, a complete census is made of the number, types, locations, and custodians of artificial light sources that emit light visible from the beach. The goal of lighting inspections is to locate lighting problems and to identify the property owner, manager, caretaker, or tenant who can modify the lighting or turn it off.

## **WHICH LIGHTS CAUSE PROBLEMS?**

Although the attributes that can make a light source harmful to sea turtles are complex, a simple rule has proven to be useful in identifying problem lighting under a variety of conditions:

*An artificial light source is likely to cause problems for sea turtles if light from the source can be seen by an observer standing anywhere on the nesting beach.*

If light can be seen by an observer on the beach, then the light is reaching the beach and can affect sea turtles. If any glowing portion of a luminaire (including the lamp, globe, or reflector) is directly visible from the beach, then this source is likely to be a problem for sea turtles. But light may also reach the beach indirectly by reflecting off buildings or trees that are visible from the beach. Bright or numerous sources, especially those directed upward, will illuminate sea mist and low clouds, creating a distinct glow visible from the beach. This “urban skyglow” is common over brightly lighted areas. Although some indirect lighting may be perceived as nonpoint-source light pollution, contributing light sources can be readily identified and include sources that are poorly directed or are directed upward. Indirect lighting can originate far from the beach.

Although most of the light that sea turtles can detect can also be seen by humans, observers should realize that some sources, particularly those emitting near-ultraviolet and violet light (e.g., bug-zapper lights, white electric-discharge lighting) will appear brighter to sea turtles than to humans. A human is also considerably taller than a hatchling; however, an observer on the dry beach who crouches to the level of a hatchling may miss some lighting that will affect turtles. Because of the way that some lights are partially hidden by the dune, a standing observer is more likely to see light that is visible to hatchlings and nesting turtles in the swash zone.

## **HOW SHOULD LIGHTING INSPECTIONS BE CONDUCTED?**

Lighting inspections to identify problem light sources may be conducted either under the purview of a lighting ordinance or independently. In either case, goals and methods should be similar.

## GATHER BACKGROUND INFORMATION

Before walking the beach in search of lighting, it is important to identify the boundaries of the area to be inspected. For inspections that are part of lighting ordinance enforcement efforts, the jurisdictional boundaries of the sponsoring local government should be determined. It will help to have a list that includes the name, owner, and address of each property within inspection area so that custodians of problem lighting can be identified. Plat maps or aerial photographs will help surveyors orient themselves on heavily developed beaches.

## PRELIMINARY DAYTIME INSPECTIONS

An advantage to conducting lighting inspections during the day is that surveyors will be better able to judge their exact location than they would be able to at night. Preliminary daytime inspections are especially important on beaches that have restricted access at night. Property owners are also more likely to be available during the day than at night to discuss strategies for dealing with problem lighting at their sites.

A disadvantage to daytime inspections is that fixtures that are not directly visible from the beach will be difficult to identify as problems. Moreover, some light sources that can be seen from the beach in daylight may be kept off at night and thus present no problems. For these reasons, daytime inspections are not a substitute for nighttime inspections. Descriptions of light sources identified during daytime inspections should be detailed enough so that anyone can locate the lighting. In addition to a general description of each luminaire (e.g., HPS floodlight directed seaward at top northeast corner of the building at 123 Ocean Street), photographs or sketches of the lighting may be necessary. Descriptions should also include an assessment of how the specific lighting problem can be resolved (e.g., needs turning off; should be redirected 90° to the east). These detailed descriptions will show property owners exactly which luminaries need what remedy.

## NIGHTTIME INSPECTIONS

**Surveyors orienting themselves on the beach at night will benefit from notes made during daytime surveys. During nighttime lighting inspections, a surveyor walks the length of the nesting beach looking for light from artificial sources. There are two general categories of artificial lighting that observers are likely to detect:**

1. **Direct lighting.** A luminaire is considered to be direct lighting if some glowing element of the luminaire (e.g., the globe, lamp [bulb], reflector) is visible to an observer on the beach. A source not visible from one location may be visible from another farther down the beach. When direct lighting is observed, notes should be made of the number, lamp type (discernable by color), style of fixture, mounting (pole, porch, *etc.*), and location (street

address, apartment number, or pole identification number) of the luminaire(s). If exact locations of problem sources were not determined during preliminary daytime surveys, this should be done during daylight soon after the nighttime survey. Photographing light sources (using long exposure times) is often helpful.

2. **Indirect lighting.** A luminaire is considered to be indirect lighting if it is not visible from the beach but illuminates an object (e.g., building, wall, tree) that is visible from the beach. Any object on the dune that appears to glow is probably being lighted by an indirect source. When possible, notes should be made of the number, lamp type, fixture style, and mounting of an indirect-lighting source. Minimally, notes should be taken that would allow a surveyor to find the lighting during a follow-up daytime inspection (for instance, which building wall is illuminated and from what angle?).

## **WHEN SHOULD LIGHTING INSPECTIONS BE CONDUCTED?**

Because problem lighting will be most visible on the darkest nights, lighting inspections are ideally conducted when there is no moon visible. Except for a few nights near the time of the full moon, each night of the month has periods when there is no moon visible. Early-evening lighting inspections (probably the time of night most convenient for inspectors) are best conducted during the period of two to 14 days following the full moon. Although most lighting problems will be visible on moonlit nights, some problems, especially those involving indirect lighting, will be difficult to detect on bright nights.

A set of daytime and nighttime lighting inspections before the nesting season and a minimum of three additional nighttime inspections during the nesting-hatching season are recommended. The first set of day and night inspections should take place just before nesting begins. The hope is that managers, tenants, and owners made aware of lighting problems will alter or replace lights before they can affect sea turtles. A follow-up nighttime lighting inspection should be made approximately two weeks after the first inspection so that remaining problems can be identified. During the nesting-hatching season, lighting problems that seemed to have been remedied may reappear because owners have been forgetful or because ownership has changed. For this reason, two midseason lighting inspections are recommended. The first of these should take place approximately two months after the beginning of the nesting season, which is about when hatchlings begin to emerge from nests. To verify that lighting problems have been resolved, another follow-up inspection should be conducted approximately one week after the first midseason inspection.

## **WHO SHOULD CONDUCT LIGHTING INSPECTIONS?**

Although no specific authority is required to conduct lighting inspections, property managers, tenants, and owners are more likely to be receptive if the individual making recommendations represent a recognized conservation group, research consultant, or government agency. When local ordinances regulate beach lighting, local government code-enforcement agents should conduct lighting inspections and contact the public about resolving problems.



## **WHAT SHOULD BE DONE WITH INFORMATION FROM LIGHTING INSPECTIONS?**

Although lighting surveys serve as a way for conservationists to assess the extent of lighting problems on a particular nesting beach, the principal goal of those conducting lighting inspections should be to ensure that lighting problems are resolved. To resolve lighting problems, property managers, tenants, and owners should be given the information they need to make proper alterations to light sources. This information should include details on the location and description of problem lights, as well as on how the lighting problem can be solved. One should also be prepared to discuss the details of how lighting affects sea turtles. Understanding the nature of the problem will motivate people more than simply being told what to do.