Attachments to
Department of the Army State Programmatic General Permit (SPGP VI-R1)

1. Johnson's Seagrass Range Map
2. Submerged Aquatic Vegetation Survey Guidelines
3. The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida
4. Smalltooth Sawfish Critical Habitat Limited Exclusion Zones
5. Gulf Sturgeon Critical Habitat Maps
6. Atlantic Sturgeon Critical Habitat Exclusion Zone
7. North Atlantic Right Whales Educational Sign Zones
8. Commencement Notification Form
9. Self-Certification Statement of Compliance
10. Department of the Army Permit Transfer Form
11. Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
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17. American Crocodile Critical Habitat Map
18. Piping Plover Critical Habitat Maps
19. Freshwater Mussels Critical Habitat Maps
20. Acropora spp. Critical Habitat Maps
21. *Acropora* critical habitat essential features table
22. Johnson's Seagrass Critical Habitat Maps
23. Johnson's Seagrass Critical Habitat Maps essential features table
24. Loggerhead Turtle Nearshore Reproductive Critical Habitat
25. North Atlantic Right Whale Critical Habitat
26. Smalltooth Sawfish Critical Habitat Maps
27. Smalltooth Sawfish Critical Habitat Maps essential features table
28. PDCs for In-Water Activities
29. Standard Manatee Conditions for In-Water Work (Manatee Construction Conditions)
30. North Atlantic Right Whale Information Form

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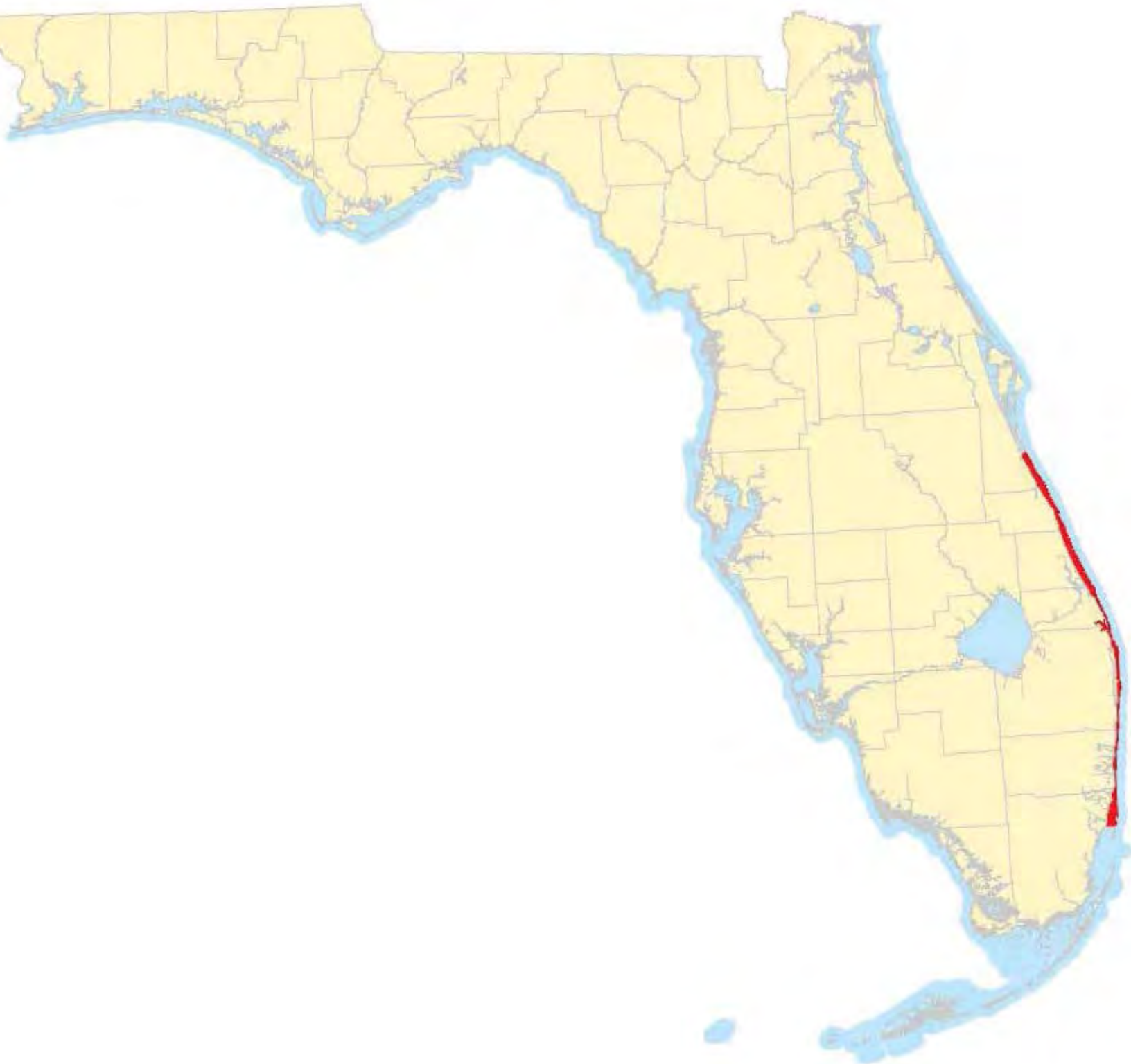
Attachment 1

Johnson's Seagrass Range Map.

Johnson’s Seagrass Range



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Attachment 2

Submerged Aquatic Vegetation Survey Guidelines

Submerged Aquatic Vegetation Survey Guidelines
May 7, 2018

Please provide information on the presence of any submerged aquatic vegetation (SAV) at or adjacent to the proposed location of the work by conducting a SAV survey. SAV surveys can only be performed between June 1 and September 30 of each year.

At a minimum, the surveyed area shall encompass a 50-foot radius around the location of the proposed work. The ensuing report shall describe the survey method, depict the locations of all SAV, and shall clearly depict the distribution of the various species of SAV. In addition, the report shall contain the percent cover of each species of SAV, frequency of occurrence of each species of SAV, and the name, mailing address and telephone number of the qualified person performing the survey. Furthermore, if Johnson's seagrass *(Halophila johnsonii)* is observed, the report shall include the shoot density of the Johnson's seagrass. The report should also include a plan view drawing depicting any existing structures and the proposed work in reference to the surveyed area. If the proposed work is a dock or pier and SAV is present, or if the proposed work is a dock or pier and is located in the known range of Johnson 's seagrass (in lagoons on Florida' s east coast from Turkey Creek/Palm Bay (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) , the dock or pier should be designed in accordance with the joint U.S. Army Corps of Engineers/National Marine Fisheries Service dock construction guidelines (Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - November 2017) and the Project Design Criteria for the National Marine Fisheries Service and U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (November 2017)..

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(SPGP VI-R1)

Attachment 3

The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida and Addendum

THE CORPS OF ENGINEERS, JACKSONVILLE DISTRICT, AND THE STATE OF FLORIDA EFFECT DETERMINATION KEY FOR THE MANATEE IN FLORIDA
April 2013

Purpose and background of the key

The purpose of this document is to provide guidance to improve the review of permit applications by U.S. Army Corps of Engineers' (Corps) Project Managers in the Regulatory Division regarding the potential effects of proposed projects on the endangered West Indian manatee (*Trichechus manatus*) in Florida, and by the Florida Department of Environmental Protection or its authorized designee or Water Management District, for evaluating projects under the State Programmatic General Permit (SPGP) or any other Programmatic General Permits that the Corps may issue for administration by the above agencies. Such guidance is contained in the following dichotomous key. The key applies to permit applications for in-water activities such as, but not limited to: (1) dredging [new or maintenance dredging of not more than 50,000 cubic yards], placement of fill material for shoreline stabilization, and construction/placement of other in-water structures as well as (2) construction of docks, marinas, boat ramps and associated trailer parking spaces, boat slips, dry storage or any other watercraft access structures or facilities.

At a certain step in the key, the user is referred to graphics depicting important manatee areas or areas with inadequate protection. The maps can be downloaded from the Corps' web page at http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx. We intend to utilize the most recent depiction of these areas, so should these areas be modified by statute, rule, ordinance and/or other legal mandate or authorization, we will modify the graphical depictions accordingly. These areas may be shaded or otherwise differentiated for identification on the maps.

Explanatory footnotes are provided in the key and must be closely followed whenever encountered.

Scope of the key

This key should only be used in the review of permit applications for effect determinations on manatees and should not be used for other listed species or for other aquatic resources such as Essential Fish Habitat (EFH). Corps Project Managers should ensure that consideration of the project's effects on any other listed species and/or on EFH is performed independently. This key may be used to evaluate applications for all types of State of Florida (State Programmatic General Permits, noticed general permits, standard general permits, submerged lands leases, conceptual and individual permits) and Department of the Army (standard permits, letters of permission, nationwide permits, and regional general permits) permits and authorizations. The final effect determination will be based on the project location and description; the potential effects to manatees, manatee habitat, and/or manatee critical habitat; and any measures (such as project components, standard construction precautions, or special conditions included in the authorization) to avoid or minimize effects to manatees or manatee critical habitat. Projects that key to a "may affect" determination equate to "likely to adversely affect" situations, and those projects should not be processed under the SPGP or any other programmatic general permit. For

all “may affect” determinations, Corps Project Managers shall refer to the Manatee Programmatic Biological Opinion, dated March 21, 2011, for guidance on eliminating or minimizing potential adverse effects resulting from the proposed project. If unable to resolve the adverse effects, the Corps may refer the applicant to the U.S. Fish and Wildlife Service (Service) for further assistance in attempting to revise the proposed project to a “may affect, not likely to adversely affect” level. The Service will coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) and the counties, as appropriate. Projects that provide new access for watercraft and key to “may affect, not likely to adversely affect” may or may not need to be reviewed individually by the Service.

MANATEE KEY
Florida[1]
April 2013

The key is not designed to be used by the Corps' Regulatory Division for making their effect determinations for dredging projects greater than 50,000 cubic yards, the Corps' Planning Division in making their effect determinations for civil works projects or by the Corps' Regulatory Division for making their effect determinations for projects of the same relative scope as civil works projects. These types of activities must be evaluated by the Corps independently of the key.

A. Project is not located in waters accessible to manatees and does not directly or indirectly affect manatees (see Glossary).....*No effect*

Project is located in waters accessible to manatees **or** directly or indirectly affects manatees ..... B

B. Project consists of one or more of the following activities, all of which are *May affect*:

1. blasting or other detonation activity for channel deepening and/or widening, geotechnical surveys or exploration, bridge removal, movies, military shows, special events, etc.;

2. installation of structures which could restrict or act as a barrier to manatees;

3. new or changes to existing warm or fresh water discharges from industrial sites, power plants, or natural springs or artesian wells (but only if the new or proposed change in discharge requires a Corps permit to accomplish the work);

4. installation of new culverts and/or maintenance or modification of existing culverts (where the culverts are 8 inches to 8 feet in diameter, ungrated and in waters accessible, or potentially accessible, to manatees)[2];

5. mechanical dredging from a floating platform, barge or structure[3] that restricts manatee access to less than half the width of the waterway;

6. creation of new slips or change in use of existing slips, even those located in a county with a State-approved Manatee Protection Plan (MPP) in place and the number of slips is less than the MPP threshold, to accommodate docking for repeat use vessels, (*e.g.*, water taxis, tour boats, gambling boats, etc; or slips or structures that are not civil works projects, but are frequently used to moor large vessels (>100') for shipping and/or freight purposes; does not include slips used for docking at boat sales or repair facilities or loading/unloading at dry stack storage facilities and boat ramps); [Note: For projects within Bay, Dixie, Escambia, Franklin, Gilchrist, Gulf, Hernando, Jefferson, Lafayette, Monroe (south of Craig Key), Nassau, Okaloosa, Okeechobee, Santa Rosa, Suwannee, Taylor, Wakulla or Walton County, the reviewer should proceed to Couplet C.]

7. any type of in-water activity in a Warm Water Aggregation Area (WWAA) or No Entry Area (see Glossary and accompanying Maps[4]); [Note: For residential docking facilities in a Warm Water Aggregation Area that is not a Federal manatee sanctuary or No Entry Area, the reviewer should proceed to couplet C.]

8. creation or expansion of canals, basins or other artificial shoreline and/or the connection of such features to navigable waters of the U.S.; [Note: For projects proposing a single residential dock, the reviewer should proceed to couplet C; otherwise, project is a *May Affect*.]

9. installation of temporary structures (docks, buoys, etc.) utilized for special events such as boat races, boat shows, military shows, etc., but only when consultation with the U.S. Coast Guard and FWS has not occurred; [Note: See programmatic consultation with the U.S. Coast Guard on manatees dated May 10, 2010.].

Project is other than the activities listed above C

C. Project is located in an Important Manatee Area (IMA) (see Glossary and accompanying Maps[4]) ..... D

Project is not located in an Important Manatee Area (IMA) (see Glossary and accompanying Maps[4]) ..... G

D. Project includes dredging of less than 50,000 cubic yards ..... E

Project does not include dredging ..... G

E. Project is for dredging a residential dock facility or is a land-based dredging operation ..... N

Project not as above ..... F

F. Project proponent **does not elect** to follow all dredging protocols described on the maps for the respective IMA in which the project is proposed ..... *May affect*

Project proponent **elects** to follow all dredging protocols described on the maps for the respective IMA in which the project is proposed ..... G

G. Project provides new[5] access for watercraft, *e.g.*, docks or piers, marinas, boat ramps and associated trailer parking spaces, new dredging, boat lifts, pilings, floats, floating docks, floating vessel platforms, boat slips, dry storage, mooring buoys, or other watercraft access (residential boat lifts, pilings, floating docks, and floating vessel platforms installed in existing slips are not considered new access) or improvements allowing increased watercraft usage ..... H

Project does not provide new[5] access for watercraft, *e.g.*, bulkheads, seawalls, riprap, maintenance dredging, boardwalks and/or the maintenance (repair or rehabilitation) of currently serviceable watercraft access structures provided all of the following are met: (1) the number of slips is not increased; (2) the number of existing slips is not in question; and (3) the improvements do not allow increased watercraft usage ..... N

H. Project is located in the Braden River Area of Inadequate Protection (Manatee County) (see Glossary and accompanying AIP Map[4])
..... *May affect*

Project is not located in the Braden River Area of Inadequate Protection (Manatee County) (see Glossary and accompanying AIP Map[4]) I

I. Project is for a multi-slip facility (see Glossary) ..... J

Project is for a residential dock facility or is for dredging (see Glossary) ..... N

J. Project is located in a county that currently has a State-approved MPP in place (BREVARD, BROWARD, CITRUS, CLAY, COLLIER, DUVAL, INDIAN RIVER, LEE, MARTIN, MIAMI-DADE, PALM BEACH, ST. LUCIE, SARASOTA, VOLUSIA) or shares contiguous waters with a county having a State-approved MPP in place (LAKE, MARION, SEMINOLE)[6] ..... K

Project is located in a county not required to have a State-approved MPP L

K. Project has been developed or modified to be consistent with the county's State-approved MPP **and** has been verified by a FWC review (or FWS review if project is exempt from State permitting) **or** the number of slips is below the MPP threshold ..... N

Project has not been reviewed by the FWC or FWS **or** has been reviewed by the FWC or FWS **and** determined that the project is not consistent with the county's State-approved MPP ..... *May affect*

L. Project is located in one of the following counties: CHARLOTTE, DESOTO[7], FLAGLER, GLADES, HENDRY, HILLSBOROUGH, LEVY, MANATEE, MONROE[7], PASCO[7], PINELLAS ..... M

Project is located in one of the following counties: BAY, DIXIE, ESCAMBIA, FRANKLIN, GILCHRIST, GULF, HERNANDO, JEFFERSON, LAFAYETTE, MONROE (south of Craig Key), NASSAU, OKALOOSA, OKEECHOBEE, PUTNAM, SANTA ROSA, ST. JOHNS, SUWANNEE, TAYLOR, WAKULLA, WALTON ..... N

M. The number of slips does not exceed the residential dock density threshold (see Glossary) ..... N

The number of slips exceeds the residential dock density threshold (see Glossary) ..... *May affect*

N. Project impacts to submerged aquatic vegetation[8], emergent vegetation or mangrove will have beneficial, insignificant, discountable[9] or no effects on the manatee[10] ..... O

Project impacts to submerged aquatic vegetation[8], emergent vegetation or mangrove may adversely affect the manatee[10] ..... *May affect*

O. Project proponent **elects** to follow standard manatee conditions for in-water work[11] and requirements, as appropriate for the proposed activity, prescribed on the maps[4] ..... P

Project proponent **does not elect** to follow standard manatee conditions for in-water work[11] and appropriate requirements prescribed on the maps[4] ..... *May affect*

P. If project is for a new or expanding[5] multi-slip facility and is located in a county with a State-approved MPP in place **or** in Bay, Dixie, Escambia, Franklin, Gilchrist, Gulf, Hernando, Jefferson, Lafayette, Monroe (south of Craig Key), Nassau, Okaloosa, Okeechobee, Putnam, St. Johns, Santa Rosa, Suwannee, Taylor, Wakulla or Walton County, the determination of "*May affect, not likely to adversely affect*" is appropriate[12] and no further consultation with the Service is necessary.

If project is for a new or expanding[5] multi-slip facility and is located in Charlotte, Desoto, Flagler, Glades, Hendry, Hillsborough, Levy, Manatee, Monroe (north of Craig Key), Pasco, or Pinellas County, further consultation with the Service is necessary for "*May affect, not likely to adversely affect*" determinations.

If project is for repair or rehabilitation of a multi-slip facility and is located in an Important Manatee Area, further consultation with the Service is necessary for "*May affect, not likely to adversely affect*" determinations. If project is for repair or rehabilitation of a multi-slip facility and: (1) is not located in an Important Manatee Area; (2) the number of slips is not increased; (3) the number of existing slips is not in question; and (4) the improvements to the existing watercraft access structures do not allow increased watercraft usage, the determination of "*May affect, not likely to adversely affect*" is appropriate[12] and no further consultation with the Service is necessary.

If project is a residential dock facility, shoreline stabilization, or dredging, the determination of "*May affect, not likely to adversely affect*" is appropriate[12] and no further consultation with the Service is necessary. Note: For residential dock facilities located in a Warm Water Aggregation Area or in a No Entry area, seasonal restrictions may apply. See footnote 4 below for maps showing restrictions.

If project is other than repair or rehabilitation of a multi-slip facility, a new[5] multi-slip facility, residential dock facility, shoreline stabilization, or dredging, and does not provide new[5] access for watercraft or

improve an existing access to allow increased watercraft usage, the determination of "*May affect, not likely to adversely affect*" is appropriate[12] and no further consultation with the Service is necessary.

[1] On the St. Mary's River, this key is only applicable to those areas that are within the geographical limits of the State of Florida.

[2] All culverts 8 inches to 8 feet in diameter must be grated to prevent manatee entrapment. To effectively prevent manatee access, grates must be permanently fixed, spaced a maximum of 8 inches apart (may be less for culverts smaller than 16 inches in diameter) and may be installed diagonally, horizontally or vertically. For new culverts, grates must be attached prior to installation of the culverts. Culverts less than 8 inches or greater than 8 feet in diameter are exempt from this requirement. If new culverts and/or the maintenance or modification of existing culverts are grated as described above, the determination of "*May affect, not likely to adversely affect*" is appropriate[11] and no further consultation with the Service is necessary.

[3] If the project proponent agrees to follow the standard manatee conditions for in-water work as well as any special conditions appropriate for the proposed activity, further consultation with the Service is necessary for "*May affect, not likely to adversely affect*" determinations. These special conditions may include, but are not limited to, the use of dedicated observers (see Glossary for definition of dedicated observers), dredging during specific months (warm weather months vs cold weather months), dredging during daylight hours only, adjusting the number of dredging days, does not preclude or discourage manatee egress/ingress with turbidity curtains or other barriers that span the width of the waterway, etc.

[4] Areas of Inadequate Protection (AIPs), Important Manatee Areas (IMAs), Warm Water Aggregation Areas (WWAAs) and No Entry Areas are identified on these maps and defined in the Glossary for the purposes of this key. These maps can be viewed on the Corps' web page. If projects are located in a No Entry Area, special permits may be required from FWC in order to access these areas (please refer to Chapter 68C-22 F.A.C. for boundaries; maps are also available at FWC's web page).

[5] New access for watercraft is the addition or improvement of structures such as, but not limited to, docks or piers, marinas, boat ramps and associated trailer parking spaces, boat lifts, pilings, floats, floating docks, floating vessel platforms, (maintenance dredging, residential boat lifts, pilings, floating docks, and floating vessel platforms installed in existing slips are not considered new access), boat slips, dry storage, mooring buoys, new dredging, etc., that facilitates the addition of watercraft to, and/or increases watercraft usage in, waters accessible to manatees. The repair or rehabilitation of any type of currently serviceable watercraft access structure is not considered new access provided all of the following are met: (1) the number of slips is not increased; (2) the number of existing slips is not in question; and (3) the improvements to the existing watercraft access structures do not result in increased watercraft usage.

[6] Projects proposed within the St. Johns River portion of Lake, Marion, and Seminole counties and contiguous with Volusia County shall be evaluated using the Volusia County MPP.

[7] For projects proposed within the following areas: the Peace River in DeSoto County; all areas north of Craig Key in Monroe County, and the Anclote and Pithlachascotee Rivers in Pasco County, proceed to Couplet M. For all other locations in DeSoto, Monroe (south of Craig Key) and Pasco Counties, proceed to couplet N.

[8] Where the presence of the referenced vegetation is confirmed within the area affected by docks and other piling-supported minor structures and the reviewer has concluded that the impacts to SAV, marsh or mangroves would not adversely affect the manatee or its critical habitat, proceed to couplet O.

Where the presence of the referenced vegetation is confirmed within the area affected by docks and other piling-supported minor structures and the reviewer has concluded that the impacts to SAV, marsh or mangroves would adversely affect the manatee or its critical habitat, the applicant can elect to avoid/minimize impacts to that vegetation. In that instance, where impacts are unavoidable and the applicant elects to abide by or employ construction techniques that exceed the criteria in the following documents, the reviewer should conclude that the impacts to SAV, marsh or mangroves would not adversely affect the manatee or its critical habitat and proceed to couplet O.

- "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat," prepared jointly by the U.S. Army Corps of Engineers and the National Marine Fisheries Service (August 2001) [refer to the Corps' web page], and

- "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's seagrass (*Halophila johnsonii*)," prepared jointly by the National Marine Fisheries Service and U.S. Army Corps of Engineers (October 2002), for those projects within the known range of Johnson's seagrass occurrence (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) [refer to the Corps' web page],

Where the presence of the referenced vegetation is confirmed within the area affected by docks and other piling-supported minor structures and the reviewer has concluded that the impacts to SAV, marsh or mangroves would adversely affect the manatee or its critical habitat, and the applicant does not elect to follow the above Guidelines, the Corps will need to request formal consultation on the manatee with the Service as *May affect*.

For activities other than docks and other piling-supported minor structures proposed in SAV, marsh, or mangroves (*e.g.*, new dredging, placement of riprap, bulkheads, etc.), if the reviewer determines the impacts to the SAV, marsh or mangroves will not adversely affect the manatee or its critical habitat, proceed to couplet O, otherwise the Corps will need to request formal consultation on the manatee with the Service as *May affect*.

[9] See Glossary, under "is not likely to adversely affect."

[10] Federal reviewers, when making your effects determination, consider effects to manatee designated critical habitat pursuant to section 7(a)(2) of the Endangered Species Act. State reviewers, when making your effects determination, consider effects to manatee habitat within the entire State of Florida, pursuant to Chapter 370.12(2)(b) Florida Statutes.

[11] See the Corps' web page for manatee construction conditions. At this time, manatee construction precautions c and f are not required in the following Florida counties: Bay, Escambia, Franklin, Gilchrist, Gulf, Jefferson, Lafayette, Okaloosa, Santa Rosa, Suwannee, and Walton.

[12] By letter dated April 25, 2013, the Corps received the Service's concurrence with "*May affect, not likely to adversely affect*" determinations made pursuant to this key for the following activities: (1) selected non-watercraft access projects; (2) watercraft-access projects that are residential dock facilities, excluding those located in the Braden River AIP; (3) launching facilities solely for kayaks and canoes, and (4) new or expanding multi-slip facilities located in Bay, Dixie, Escambia, Franklin, Gilchrist, Gulf, Hernando, Jefferson, Lafayette, Monroe (south of Craig Key), Nassau, Okaloosa, Okeechobee, Santa Rosa, Suwannee, Taylor, Wakulla or Walton County.

Additionally, in the same letter dated April 25, 2013, the Corps received the Service's concurrence for "*May affect, not likely to adversely affect*" determinations specifically made pursuant to Couplet G of the key for the repair or rehabilitation of currently serviceable multi-slip watercraft access structures provided all of the following are met: (1) the project is not located in an IMA, (2) the number of slips is not increased; (3) the number of existing slips is not in question; and (4) the improvements to the existing watercraft access structures do not allow increased watercraft usage. Upon receipt of such a programmatic concurrence, no further consultation with the Service for these projects is required.

GLOSSARY

Areas of inadequate protection (AIP) – Areas within counties as shown on the maps where the Service has determined that measures intended to protect manatees from the reasonable certainty of watercraft-related take are inadequate. Inadequate protection may be the result of the absence of manatee or other watercraft speed zones, insufficiency of existing speed zones, deficient speed zone signage, or the absence or insufficiency of speed zone enforcement.

Boat slip – A space on land or in or over the water, other than on residential land, that is intended and/or actively used to hold a stationary watercraft or its trailer, and for which intention and/or use is confirmed by legal authorization or other documentary evidence. Examples of boat slips include, but are not limited to, docks or piers, marinas, boat ramps and associated trailer parking spaces, boat lifts, floats, floating docks, pilings, boat davits, dry storage, etc.

Critical habitat – For listed species, this consists of: (1) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act (ESA), on which are found those physical or biological features (constituent elements) (a) essential to the conservation of the species and (b) which may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the ESA, upon a determination by the Secretary that such areas are essential for the conservation of the species. Designated critical habitats are described in 50 CFR 17 and 50 CFR 226.

Currently serviceable – Currently, serviceable means usable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects – The direct or immediate effects of the project on the species or its habitat.

Dredging – For the purposes of this key, the term dredging refers to all in-water work associated with dredging operations, including mobilization and demobilization activities that occur in water or require vessels.

Emergent vegetation – Rooted emergent vascular macrophytes such as, but not limited to, cordgrass (*Spartina alterniflora and S. patens*), needle rush (J*uncus roemerianus*), swamp sawgrass (*Cladium mariscoides*), saltwort (*Batis maritima*), saltgrass (*Distichlis spicata*), and glasswort (*Salicornia virginica*) found in coastal salt marsh-related habitats (tidal marsh, salt marsh, brackish marsh, coastal marsh, coastal wetlands, tidal wetlands).

Formal consultation – A process between the Services and a Federal agency or applicant that: (1) determines whether a proposed Federal action is likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat; (2) begins with a Federal agency's written request and submittal of a complete initiation package; and (3) concludes with the issuance of a biological opinion and incidental take statement by either of the Services. If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Services concur, in writing, that a proposed

action "is not likely to adversely affect" listed species or designated critical habitat). [50 CFR 402.02, 50 CFR 402.14]

Important manatee areas (IMA) – Areas within certain counties where increased densities of manatees occur due to the proximity of warm water discharges, freshwater discharges, natural springs and other habitat features that are attractive to manatees. These areas are heavily utilized for feeding, transiting, mating, calving, nursing or resting as indicated by aerial survey data, mortality data and telemetry data. Some of these areas may be federally-designated sanctuaries or state-designated "seasonal no entry" zones. Maps depicting important manatee areas and any accompanying text may contain a reference to these areas and their special requirements. Projects proposed within these areas must address their special requirements.

Indirect effects – Those effects that are caused by or will result from the proposed action and are later in time, but are still reasonably certain to occur. Examples of indirect effects include, but are not limited to, changes in water flow, water temperature, water quality (*e.g.*, salinity, pH, turbidity, nutrients, chemistry), prop dredging of seagrasses, and manatee watercraft injury and mortality. Indirect effects also include watercraft access developments in waters not currently accessible to manatees, but watercraft access can, is, or may be planned to waters accessible to manatees by the addition of a boat lift or the removal of a dike or plug.

Informal consultation – A process that includes all discussions and correspondence between the Services and a Federal agency or designated non-Federal representative, prior to formal consultation, to determine whether a proposed Federal action may affect listed species or critical habitat. This process allows the Federal agency to utilize the Services' expertise to evaluate the agency's assessment of potential effects or to suggest possible modifications to the proposed action which could avoid potentially adverse effects. If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Services concur, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat). [50 CFR 402.02, 50 CFR 402.13]

In-water activity – Any type of activity used to construct/repair/replace any type of in-water structure or fill; the act of dredging.

In-water structures – watercraft access structures – Docks or piers, marinas, boat ramps, boat slips, boat lifts, floats, floating docks, pilings (depending on use), boat davits, etc.

In-water structures – other than watercraft access structures – Bulkheads, seawalls, riprap, groins, boardwalks, pilings (depending on use), etc.

Is likely to adversely affect – The appropriate finding in a biological assessment (or conclusion during informal consultation) if any adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions and the effect is not: discountable, insignificant, or beneficial (see definition of "is not likely to adversely affect"). An "is likely to adversely affect" determination requires the initiation of formal consultation under section 7 of the ESA.

Is not likely to adversely affect – The appropriate conclusion when effects on listed species are expected to be discountable, insignificant, or completely beneficial. **Discountable effects** are those extremely unlikely to occur. **Insignificant effects** relate to the size of the impact and should never reach the scale where take occurs. **Beneficial effects** are contemporaneous positive effects without any adverse effects to the species. Based on best judgment, a person would not (1) be able to meaningfully measure, detect, or evaluate insignificant effects or (2) expect discountable effects to occur.

Manatee Protection Plan (MPP) – A manatee protection plan (MPP) is a comprehensive planning document that addresses the long-term protection of the Florida manatee through law enforcement, education, boat facility siting, and habitat protection initiatives. Although MPPs are primarily developed by the counties, the plans are the product of extensive coordination and cooperation between the local governments, the FWC, the Service, and other interested parties.

Manatee Protection Plan thresholds – The smallest size of a multi-slip facility addressed under the purview of a Manatee Protection Plan (MPP). For most MPPs, this threshold is five slips or more. For Brevard, Clay, Citrus, and Volusia County MPPs, this threshold is three slips or more.

Mangroves – Rooted emergent trees along a shoreline that, for the purposes of this key, include red mangrove (*Rhizophora mangle*), black mangrove (*Avicennia germinans*) and white mangrove (*Laguncularia racemosa*).

May affect – The appropriate conclusion when a proposed action may pose <u>any</u> effects on listed species or designated critical habitat. When the Federal agency proposing the action determines that a "may affect" situation exists, then they must either request the Services to initiate formal consultation or seek written concurrence from the Services that the action "is not likely to adversely affect" listed species. For the purpose of this key, all "may affect" determinations equate to "likely to adversely affect" and Corps Project Managers should request the Service to initiate formal consultation on the manatee or designated critical habitat. **No effect** – the appropriate conclusion when the action agency determines its proposed action will not affect a listed species or designated critical habitat.

Multi-slip facility – Multi-slip facilities include commercial marinas, private multi-family docks, boat ramps and associated trailer parking spaces, dry storage facilities and any other similar structures or activities that provide access to the water for multiple (five slips or more, except in Brevard, Clay, Citrus, and Volusia counties where it is three slips or more) watercraft. In some instances, the Corps and the Service may elect to review multiple residential dock facilities as a multi-slip facility.

New access for watercraft – New dredging and the addition, expansion or improvement of structures such as, but not limited to, docks or piers, marinas, boat ramps and associated trailer parking spaces, boat lifts, pilings, floats, floating docks, floating vessel platforms, (residential boat lifts, pilings, floats, and floating vessel platforms installed in existing slips are not considered new access), boat slips, dry storage, mooring buoys, etc., that facilitates the addition of watercraft to, and/or increases watercraft usage in, waters accessible to manatees.

Observers – During dredging and other in-water operations within manatee accessible waters, the standard manatee construction conditions require all on-site project personnel to watch for manatees to ensure that those standard manatee construction conditions are met. Within important manatee areas (IMA) and under special circumstances, heightened observation is needed. **Dedicated Observers** are those having some prior experience in manatee observation, are dedicated only for this task, and must be someone other than the dredge and equipment operators/mechanics. **Approved Observers** are dedicated observers who also must be approved by the Service (if Federal permits are involved) and the FWC (if state permits are involved), prior to work commencement. Approved observers typically have significant and often project-specific observational experience. Documentation on prior experience must be submitted to these agencies for approval and must be submitted a minimum of 30 days prior to work commencement. When dedicated or approved observers are required, observers must be on site during all in-water activities, and be equipped with polarized sunglasses to aid in manatee observation. For prolonged in-water operations, multiple observers may be needed to perform observation in shifts to reduce fatigue (recommended shift length is no longer than six hours). Additional information concerning observer approval can be found at FWC's web page.

Residential boat lift – A boat lift installed on a residential dock facility.

Residential dock density ratio threshold – The residential dock density ratio threshold is used in the evaluation of multi-slip projects in some counties without a State-approved Manatee Protection Plan and is consistent with 1 boat slip per 100 linear feet of shoreline (1:100) owned by the applicant.

Residential dock facility – A residential dock facility means a private residential dock which is used for private, recreational or leisure purposes for single-family or multi-family residences designed to moor no more than four vessels (except in Brevard, Clay, Citrus, and Volusia counties which allow only two vessels). This also includes normal appurtenances such as residential boat lifts, boat shelters with open sides, stairways, walkways, mooring pilings, dolphins, etc. In some instances, the Corps and the Service may elect to review multiple residential dock facilities as a multi-slip facility.

Submerged aquatic vegetation (SAV) – Rooted, submerged, aquatic plants such as, but not limited to, shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmanni*), Johnson's seagrass (*Halophila johnsonii*), sago pondweed (*Potamogeton pectinatus*), clasping-leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testudinum*), tapegrass (*Vallisneria americana*), and horned pondweed (*Zannichellia palustris*).

Warm Water Aggregation Areas (WWAAs) and **No Entry Areas** – Areas within certain counties where increased densities of manatees occur due to the proximity of artificial or natural warm water discharges or springs and are considered necessary for survival. Some of these areas may be federally-designated manatee sanctuaries or state-designated seasonal "no entry" manatee protection zones. Projects proposed within these areas may require consultation in order to offset expected adverse impacts. In addition, special permits may be required from the FWC in order to access these areas.

Watercraft access structures – Docks or piers, marinas, boat ramps and associated trailer parking spaces, boat slips, boat lifts, floats, floating docks, pilings, boat davits, dry storage, etc.

Waters accessible to manatees – Although most waters of the State of Florida are accessible to the manatee, there are some areas such as landlocked lakes that are not. There are also some weirs, salinity control structures and locks that may preclude manatees from accessing water bodies. If there is any question about accessibility, contact the Service or the FWC.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1339 20th Street
Vero Beach, Florida 32960

May 13, 2019

Andrew D. Kelly, Jr., Colonel
District Commander
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Kelly:

The U.S. Fish and Wildlife Service (Service) and the U.S. Army Corps of Engineers (Corps) currently use a dichotomous key (Key) to assist in making effect determinations pursuant to the Endangered Species Act for in-water activities that may affect manatees. Recently, Corps and Service staff identified the need to make several revisions to the 2013 Key to address new issues and changed circumstances. Although a more complete revision is needed in the future, three issues need to be addressed as soon as possible: 1) requirements associated with clamshell dredge head operation; 2) locations and conditions related to impact hammer driven metal piles and/or sheet piles; and 3) incorporation of the current list of counties that have approved Manatee Protection Plans (MPPs).

For the purpose of continuing to use the Key on projects that involve clamshell dredging or impact driving of metal piles or sheet piles, the Service is issuing this letter as an addendum to the Key. The Service finds work that keys out as "not likely to adversely affect" the manatee or its critical habitat using the 2013 Key is still the appropriate determination provided there is adherence to the following additional conditions:

1) During clamshell dredging operations, the dredge operator shall gravity-release the clamshell bucket only at the water's surface, and only after confirmation that there are no manatees within the safety distance identified in the standard construction conditions (or a 75-foot buffer if dredging is authorized at night);

2) Installation of metal pilings or metal sheet piles by impact hammer – if not within Important Manatee Areas, Warm Water Aggregation Areas, or Federal manatee sanctuaries or state-designated No Entry Areas - may occur under the following conditions: a) Use of at least one dedicated manatee observer, with all work being stopped if a manatee is observed within 1000 feet; b) no work shall occur outside of daylight hours (defined as one-half hour after sunrise to one-half hour before sunset); and, c) no more than 5 piles/day may be installed. If within any of the above-described areas, an informal or formal project-specific consultation with the Service is required.

In addition, the following change will allow projects in Charlotte County and Flagler County to be properly handled using the Key:

3) Charlotte County and Flagler County shall be added to the list of counties that have an approved Manatee Protection Plan (couplet J of the 2013 Key) and removed from the list of counties included in couplet L and the second category of couplet P of the 2013 Key.

With the above-described changes, the Service affirms that such work would not likely adversely affect the West Indian manatee and no further consultation is required provided all other conditions of the 2013 Key are met. The above changes, and possibly others, will ultimately be reflected in an updated version of the Key. We hope this letter provides the Corps with the ability to continue to work with the 2013 Key and in-water construction conditions until a revised and updated Key is approved.

Thank you for your continued support to facilitate recovery of the West Indian manatee and other species protected under the Endangered Species Act. If you have any questions, please contact Mr. Scott Calleson by e-mail at charles_calleson@fws.gov or by phone at (904) 731-3326.

Sincerely,

Larry Williams

Larry Williams
State Supervisor

cc:
Service, Jacksonville, Florida (Jay Herrington)
Service, Vero Beach, Florida (Bob Progulske, Roxanna Hinzman)

US Army Corps of Engineers®

Department of the Army Permit
State Programmatic General Permit
(SPGP VI-R1)

Attachment 4

Smalltooth Sawfish Critical Habitat Limited Exclusion Zones.

This page is extract from the National Marine Fisheries Services' Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017.

Table 1. Limited Exclusion Zones in Smalltooth Sawfish Critical Habitat

Name	Latitude	Longitude
U.S. 41 Bridges (the area between the following coordinates)		
U.S. 41 (northwest corner)	26.660413°N	81.885243°W
U.S. 41 (northeast corner)	26.666827°N	81.872966°W
U.S. 41 (southwest corner)	26.642991°N	81.873880°W
U.S. 41 (southeast corner)	26.649405°N	81.861605°W
Iona Cove (the area between the following coordinates)		
Iona Cove (northwest corner)	26.521437°N	81.991586°W
Iona Cove (northeast corner)	26.521212°N	81.976191°W
Iona Cove (southwest corner)	26.511762°N	81.991762°W
Iona Cove (southeast corner)	26.511537°N	81.976368°W
Glover Bight (the area between the following coordinates)		
Glover Bight (northwest corner)	26.542971°N	81.997791°W
Glover Bight (northeast corner)	26.542678°N	81.977745°W
Glover Bight (southwest corner)	26.529478°N	81.998035°W
Glover Bight (southeast corner)	26.529185°N	81.977992°W
Cape Coral (the area between the following coordinates)		
Cape Coral (point 1)	26.551662°N	81.947412°W
Cape Coral (point 2)	26.551561°N	81.940683°W
Cape Coral (point 3)	26.539075°N	81.940916°W
Cape Coral (point 4)	26.539205°N	81.951049°W
Cape Coral (point 5)	26.542181°N	81.951047°W
Cape Coral (point 6)	26.542133°N	81.947776°W

Figure 1. Smalltooth sawfish limited exclusion zones.

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(SPGP VI-R1)

Attachment 5

Gulf Sturgeon Migratory Restriction

Zones and Critical Habitat Maps.

This page is extract from the National Marine Fisheries Services' Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017.Gray box shows text not applicable to Table 2

If additional measures or areas are deemed necessary for protection, or if the areas defined below require modification,
meetings (see Section 2.4)

Table 2. Gulf sturgeon critical habitat migratory restriction zones

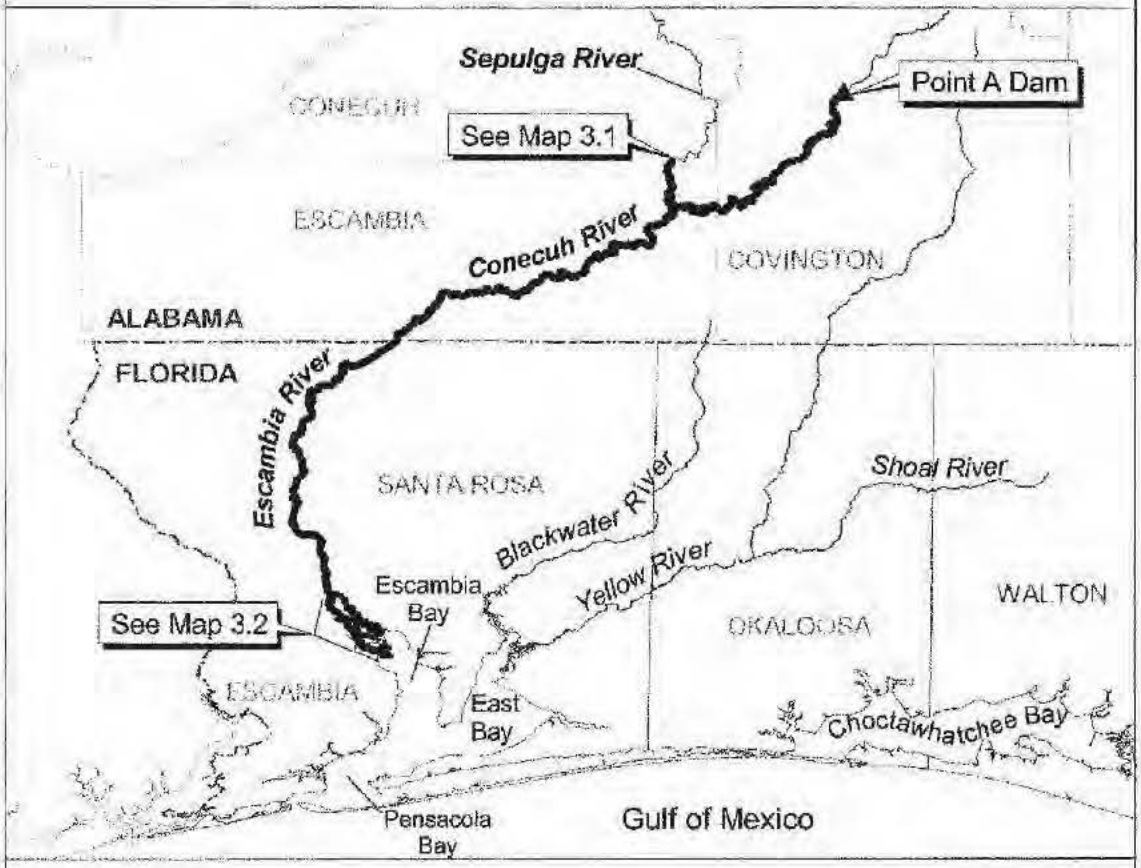
Water Body	Delineation Type	Point A	Point B	Point C	Point D
Escambia River		30.5146361°N 87.16093°W	30.5323916°N8 7.13192°W		
Blackwater/ Yellow Rivers	Line	30.5047°N 87.0475°W	30.5047°N 87.0196583°W		
Choctawhatchee Bay	Line	30.385183°N 86.515394°W	30.3814861°N 86.50684°W		
Choctawhatchee River	Line	30.429794°N 86.147725°W	30.37842°N 86.1252°W		
Apalachicola Bay	Polygon	29.675561°N 85.240283°W	29.6751°N 85.2160583°W	29.681216°N 85.2160583°W	29.684875°N 85.221502°W
Apalachicola Bay	Polygon	29.6308694°N 85.1060027°W	29.6223194°N 85.097038°W	29.6267861°N 85.093172°W	29.63268°N 85.09687°W
Apalachicola Bay	Polygon	29.611361°N 84.958483°W	29.611872°N 84.957338°W	29.61736°N 84.95926°W	29.6161583°N 84.9626638°W
Apalachicola Bay	Polygon	29.765272°N 84.6916361°W	29.77816°N 84.6669027°W	29.78695°N 84.674269°W	29.7721°N 84.695294°W
Apalachicola River	Polygon	29.7131027°N 84.99772°W	29.7120916°N 84.9744472°W	29.734772°N 84.9701027°W	29.731505°N 84.9846027°W
Suwanee River	Line	29.328483°N 83.167525°W	29.291116°N 83.1669694°W		
Suwanee River	Line	29.291116°N, 83.1669694°W	29.2670194°N 83.0946805°W		

Lines (Points A and B) create a line marking the approximate mouth of the river. Projects on the marine side of the mouth of these rivers (i.e., areas under NMFS jurisdiction) must follow the migratory restrictions defined in this section.

Polygons (Points A-D) create an area between the points marking restricted sections of a bay or pass. Projects in these defined areas must follow the migratory restriction requirements defined in this section.

Gulf Sturgeon Critical Habitat

Unit 3
Escambia River Critical Habitat Unit



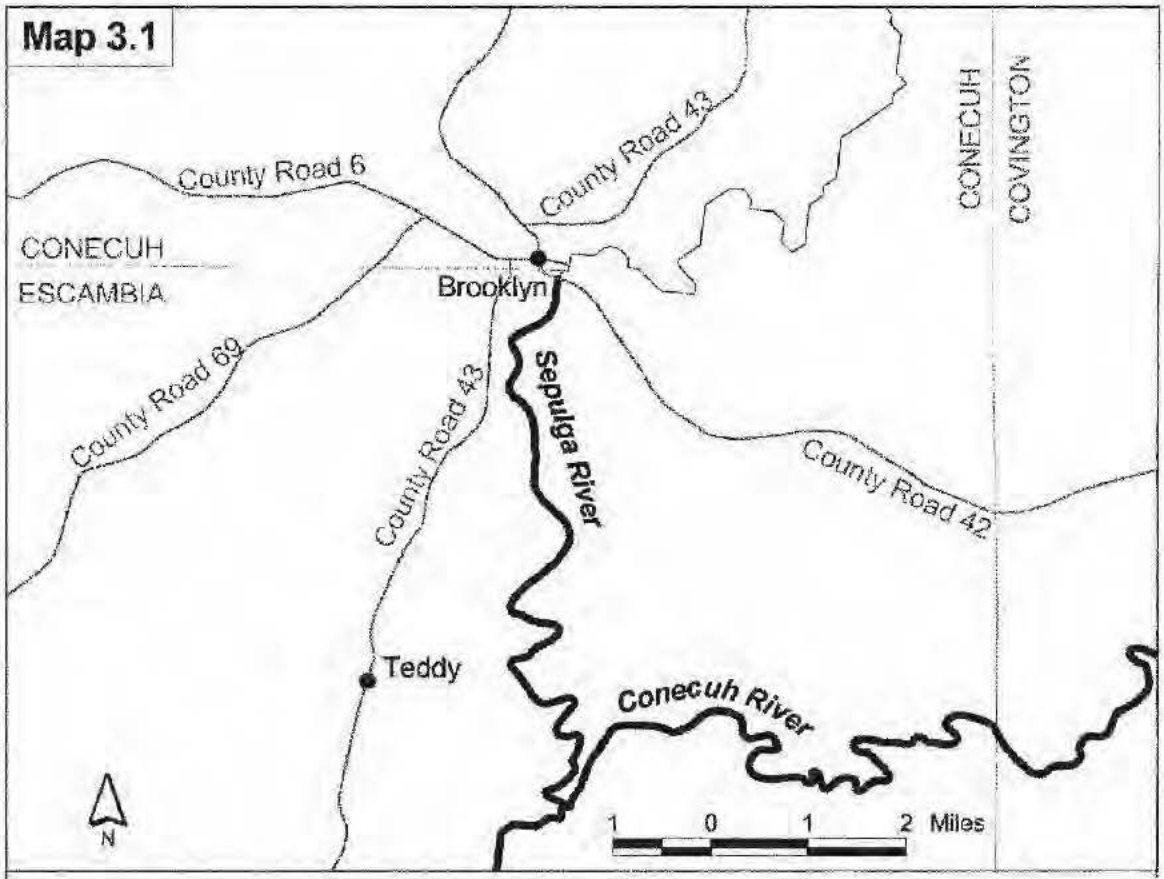
Critical Habitat
Rivers
State line
County line
▲ Dam
Critical Habitat - See Map 3.2

N

10 0 10 20 30 Kilometers

10 0 10 20 30 Miles

This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



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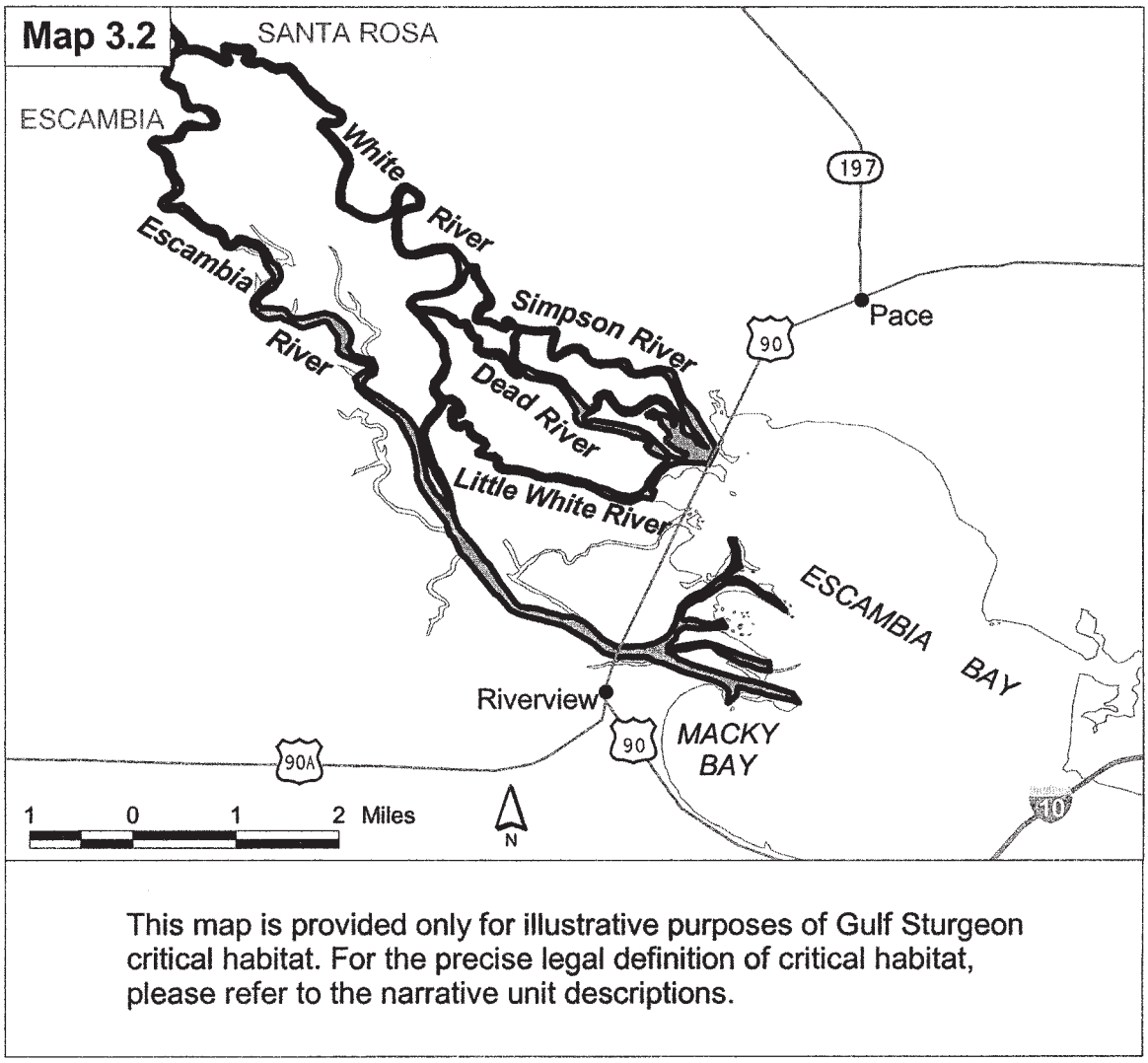


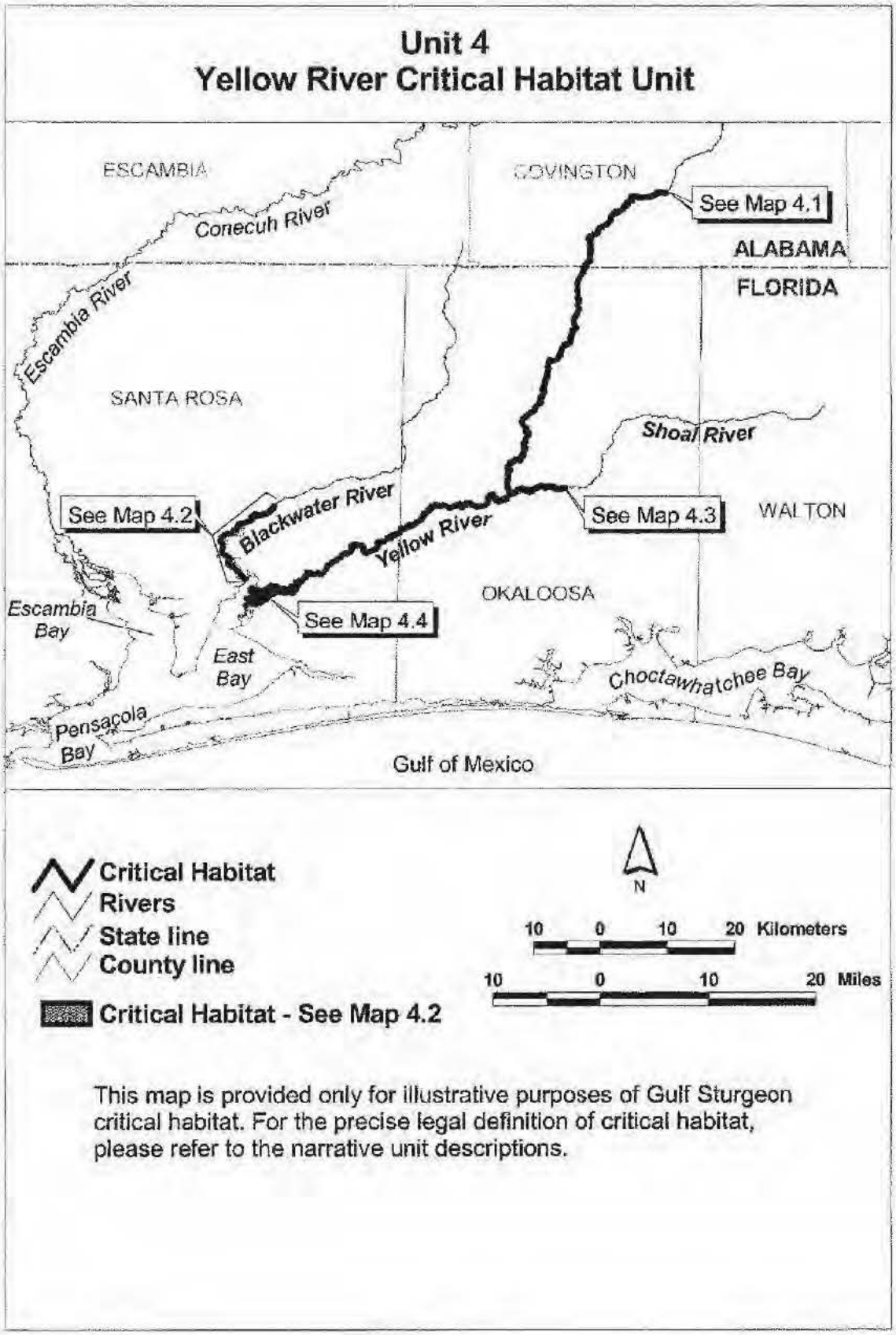
BILLING CODE 3510–22–C

(8) *Unit 4:* Yellow River System in Santa Rosa and Okaloosa Counties, Florida and Covington County, Alabama.

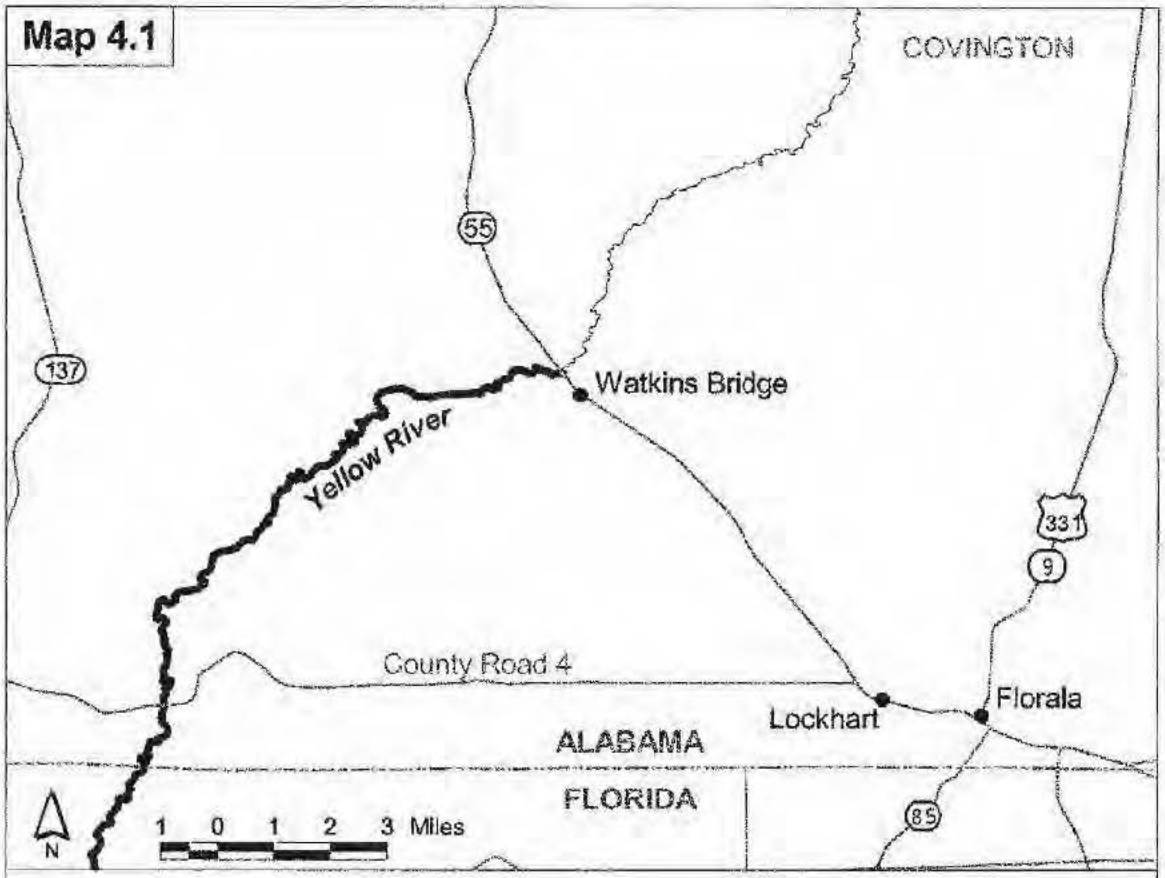
(i) Unit 4 includes the Yellow River main stem from Alabama State Highway 55, Covington County, Alabama, downstream to its discharge at Blackwater Bay, Santa Rosa County, Florida. All Yellow River distributaries (including Weaver River and Skim Lake) discharging into Blackwater Bay are included. The Shoal River main stem, a Yellow River tributary, from Florida Highway 85, Okaloosa County, Florida, to its confluence with the Yellow River, is included. The Blackwater River from its confluence with Big Coldwater Creek, Santa Rosa County, Florida, downstream to its discharge into Blackwater Bay is included. Wright Basin and Cooper Basin, Santa Rosa County, on the Blackwater River are included. The lateral extent of Unit 4 is the ordinary high water line on each bank of the associated lakes, rivers, and shorelines.

(ii) Maps of Unit 4 follow:

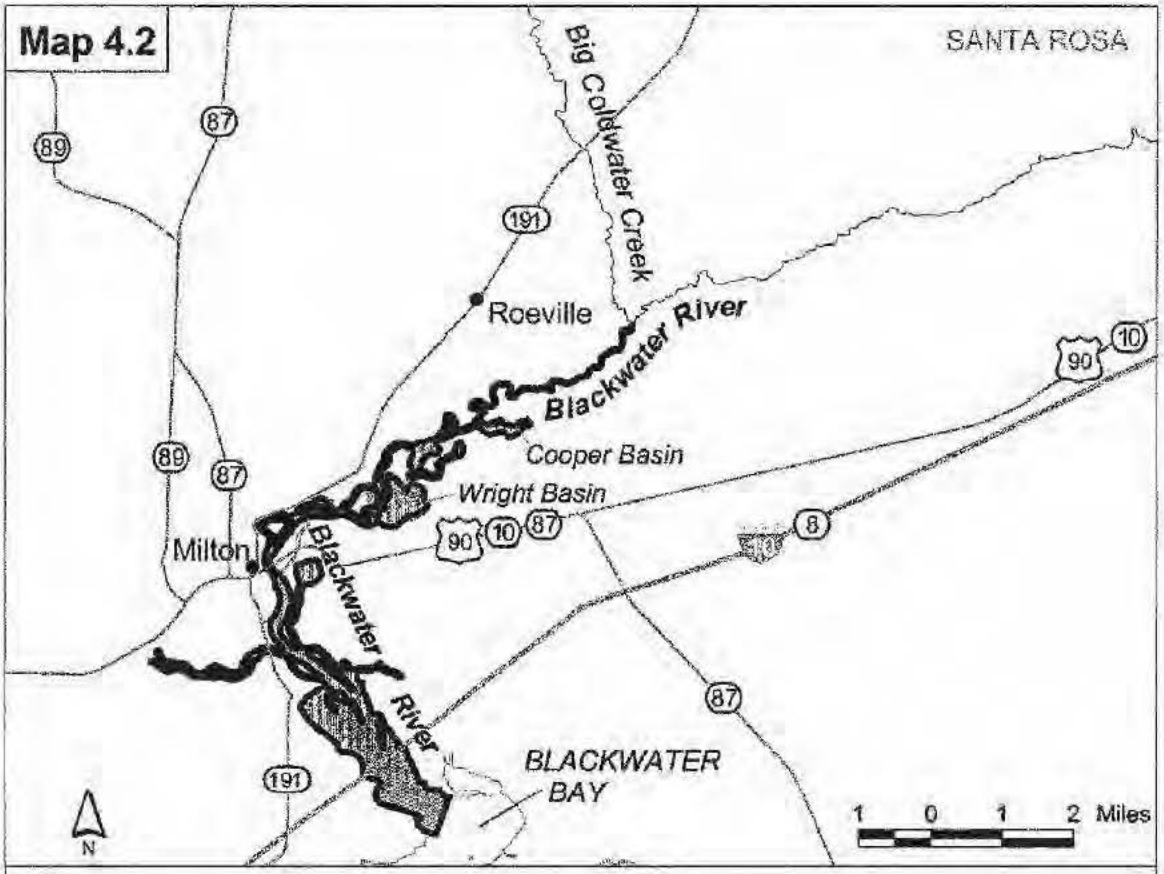
BILLING CODE 3510–22–P



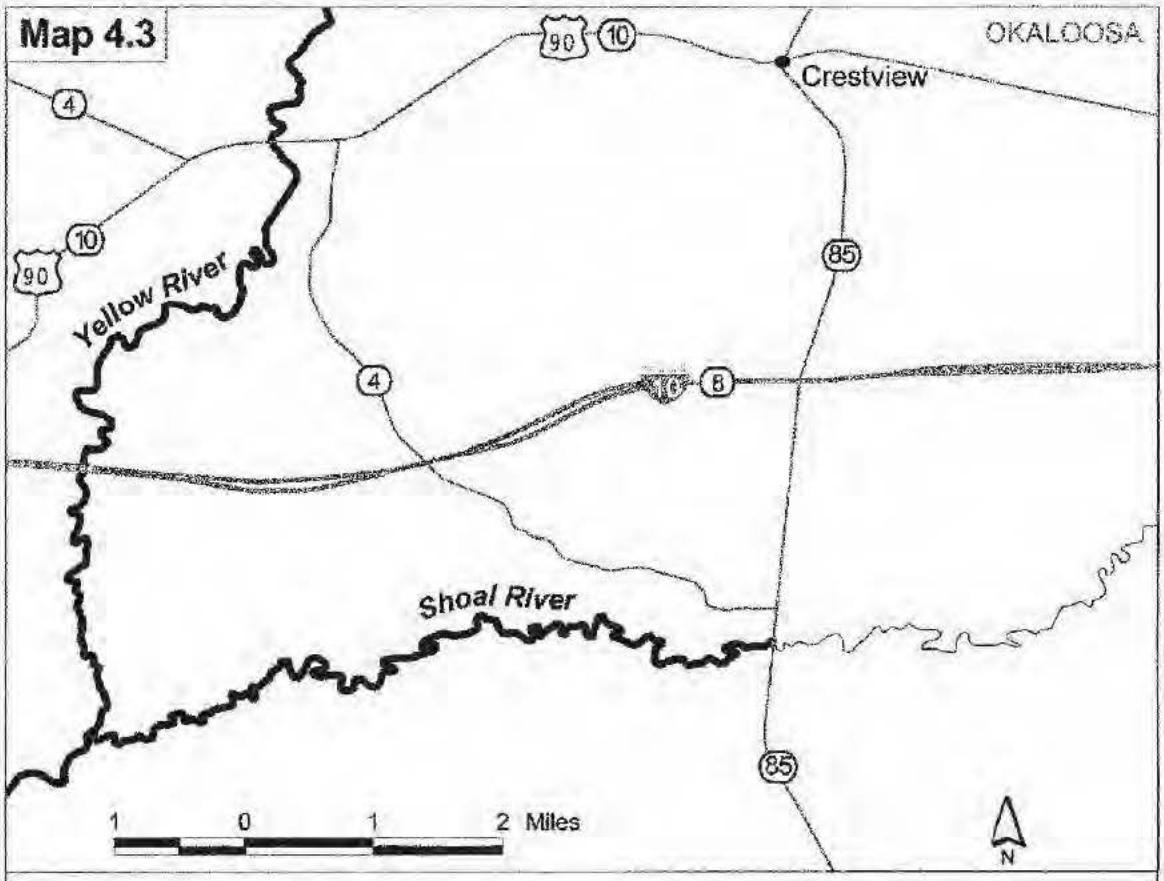
This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



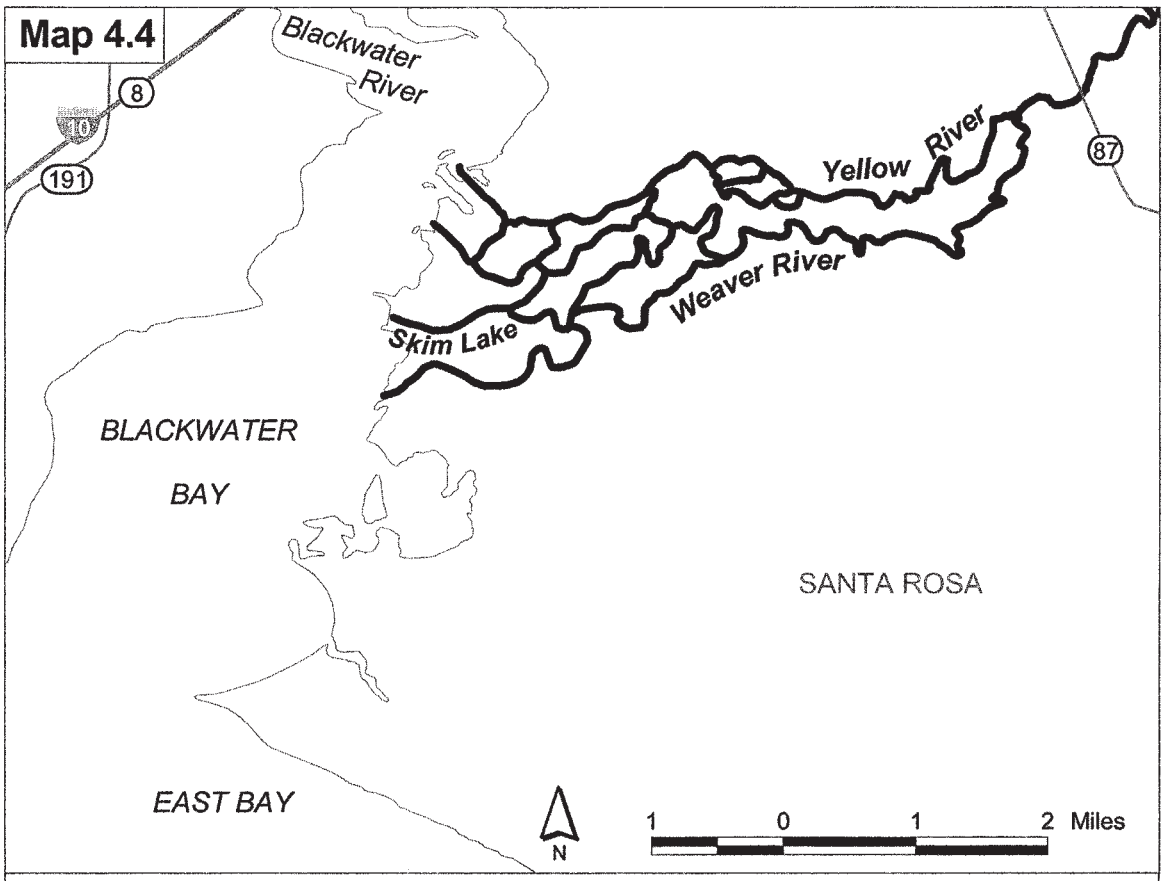
This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



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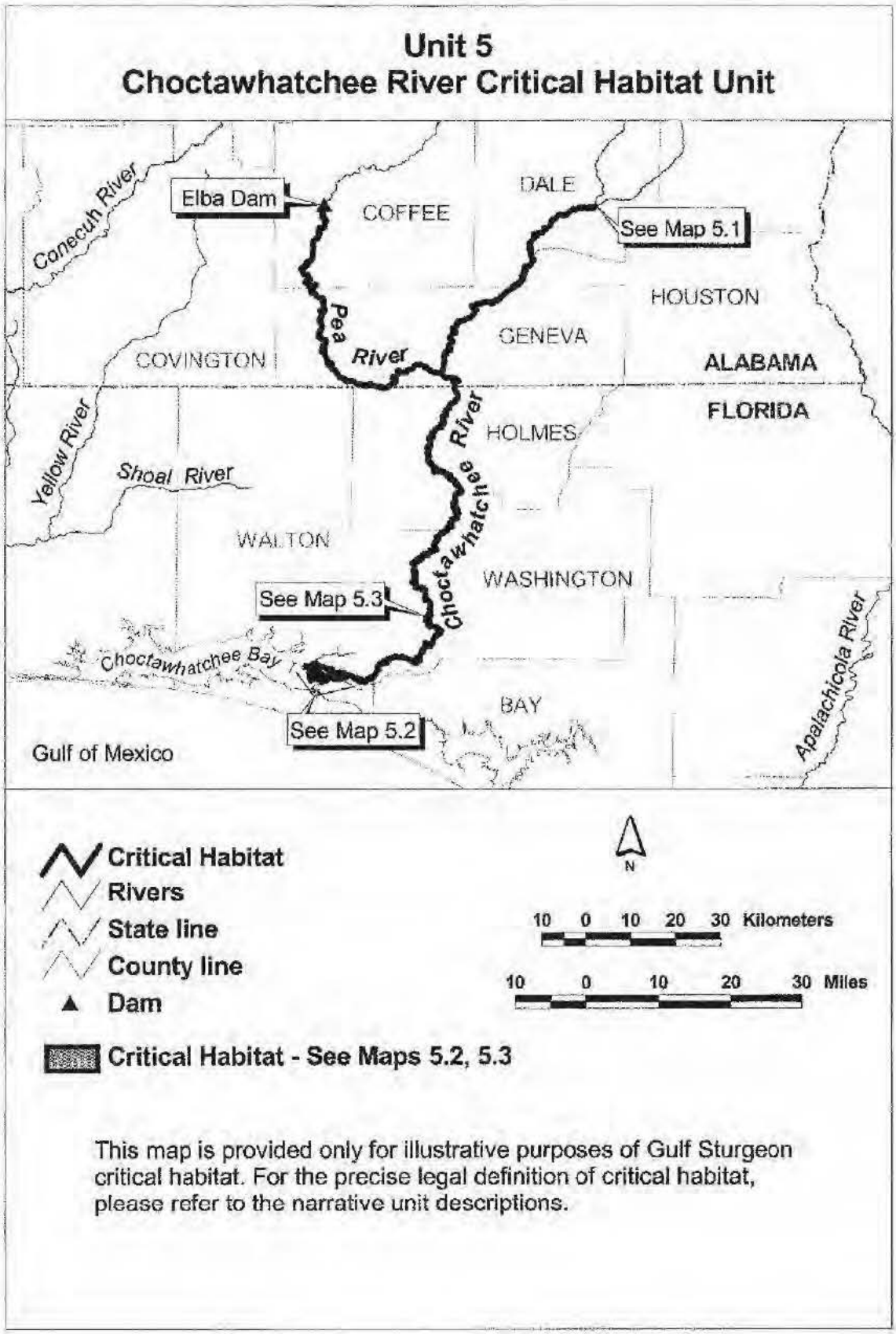
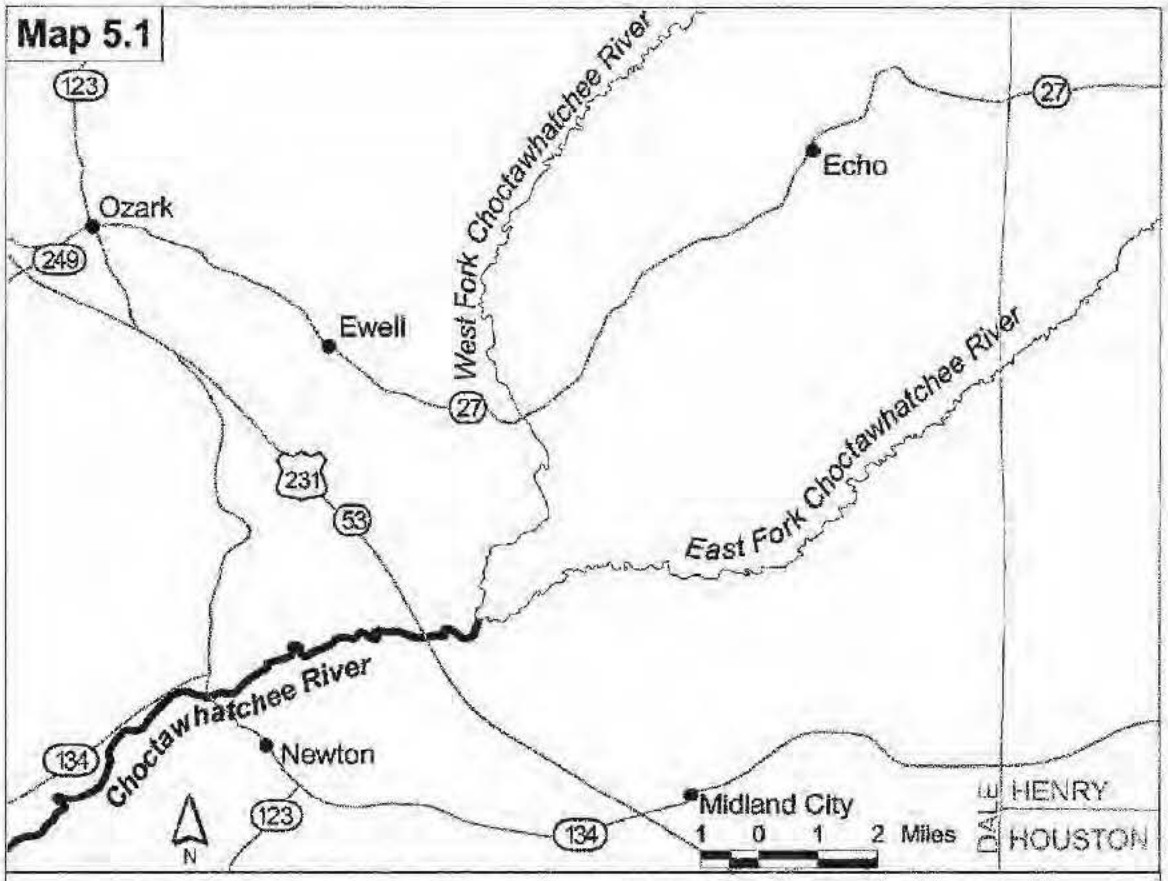

Unit 5
Choctawhatchee River Critical Habitat Unit
Elba Dam
COFFEE
DALE
See Map 5.1
HOUSTON
GENEVA
COVINGTON
ALABAMA
FLORIDA
HOLMES
WALTON
WASHINGTON
See Map 5.3
See Map 5.2
BAY
Gulf of Mexico
Conecuh River
Pea River
Yellow River
Shoal River
Choctawhatchee River
Choctawhatchee Bay
Apalachicola River
Critical Habitat
Rivers
State line
County line
Dam
Critical Habitat - See Maps 5.2, 5.3
N
10 0 10 20 30 Kilometers
10 0 10 20 30 Miles
This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



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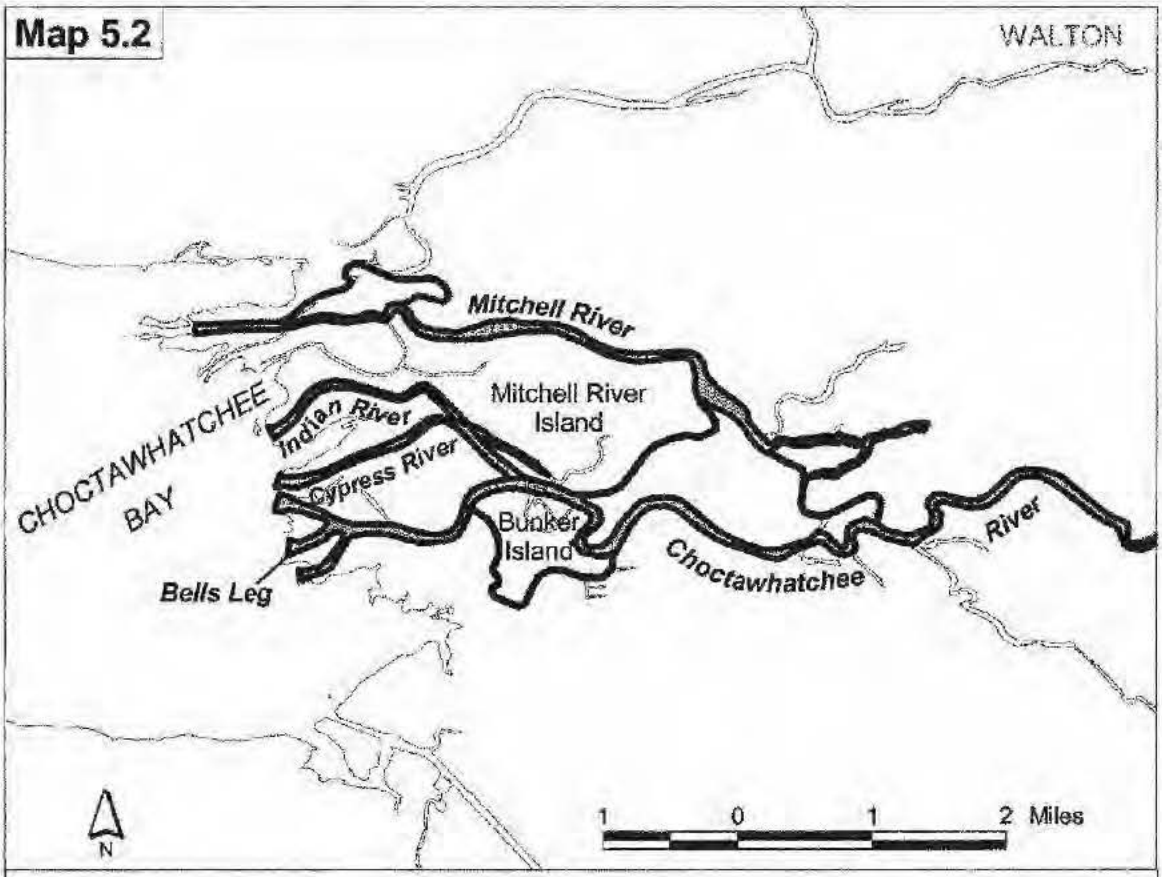
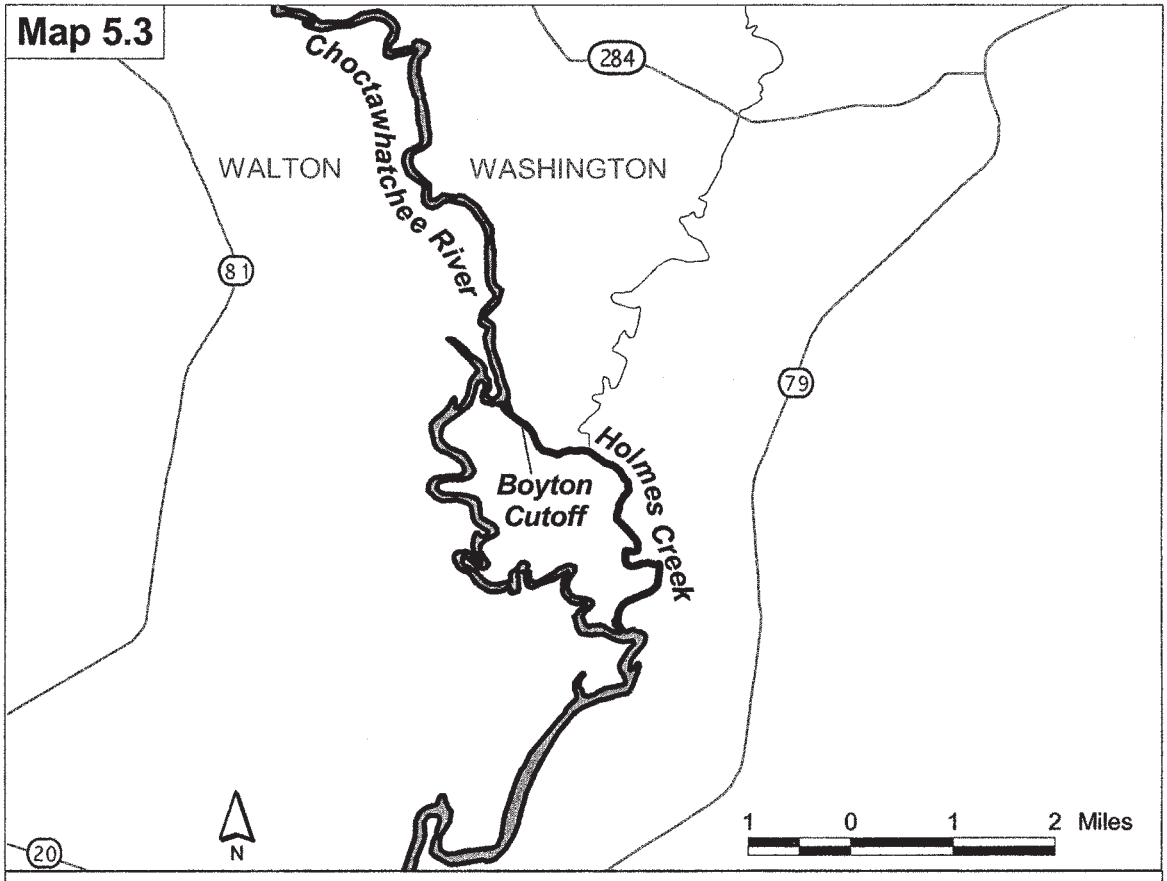


This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.

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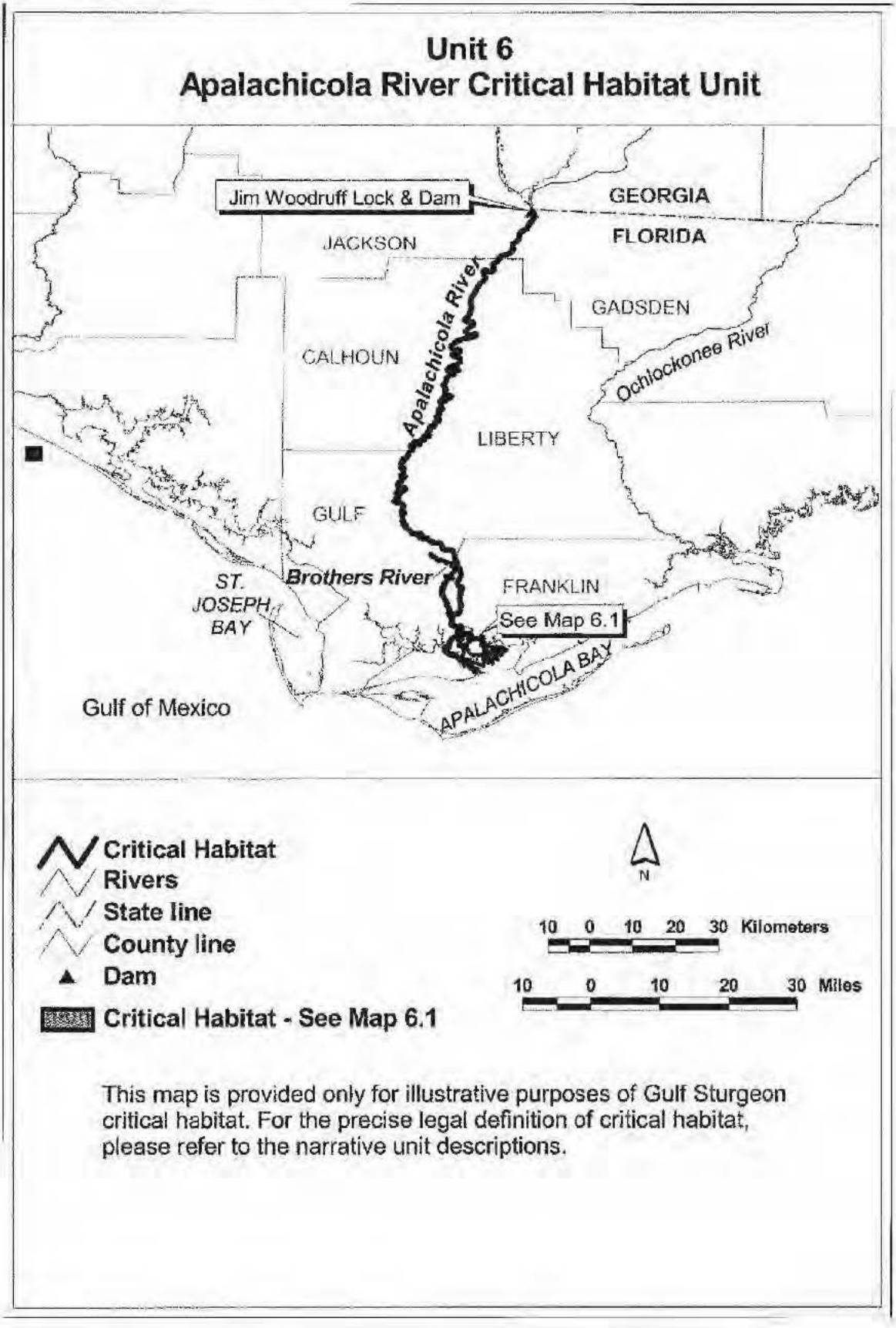
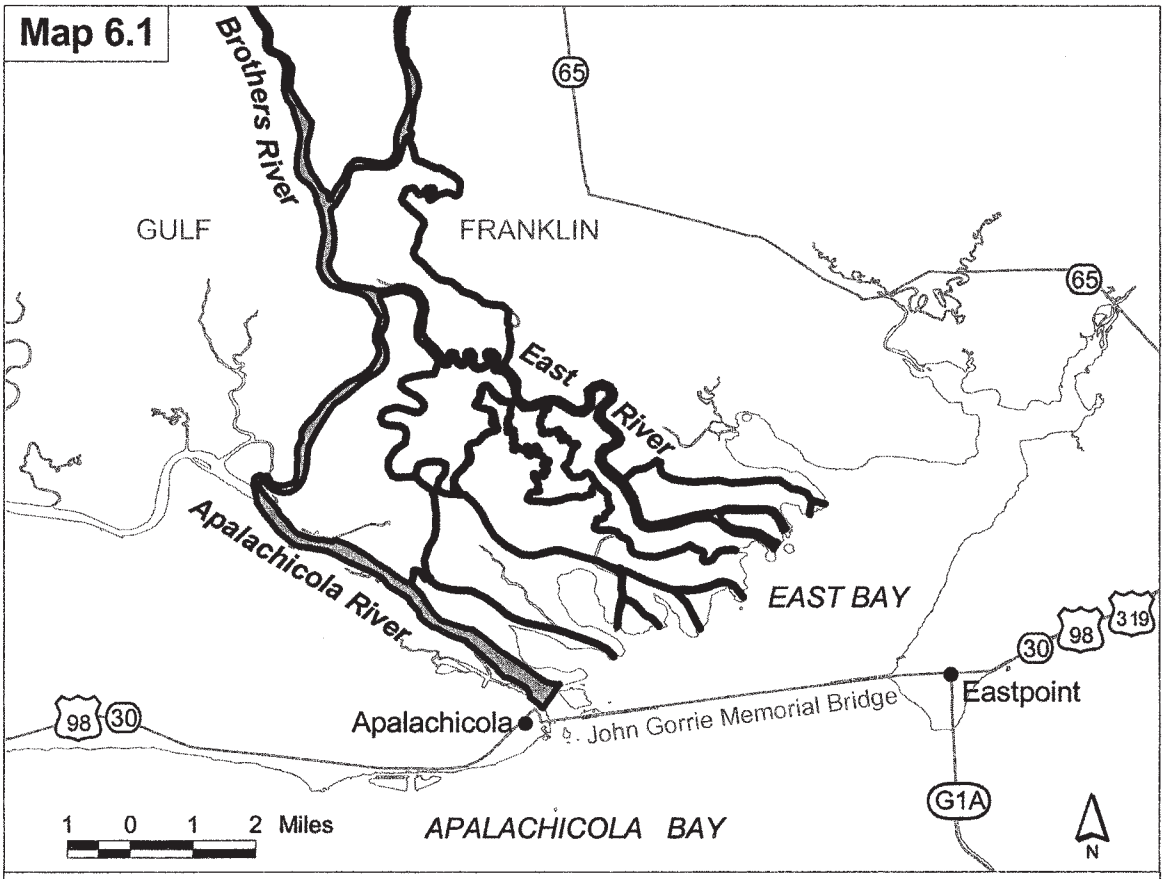

Unit 6
Apalachicola River Critical Habitat Unit
Jim Woodruff Lock & Dam
GEORGIA
FLORIDA
JACKSON
GADSDEN
CALHOUN
Apalachicola River
Ochlockonee River
LIBERTY
GULF
Brothers River
ST. JOSEPH BAY
FRANKLIN
See Map 6.1
APALACHICOLA BAY
Gulf of Mexico
Critical Habitat
Rivers
State line
County line
Dam
Critical Habitat - See Map 6.1
N
10 0 10 20 30 Kilometers
10 0 10 20 30 Miles
This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



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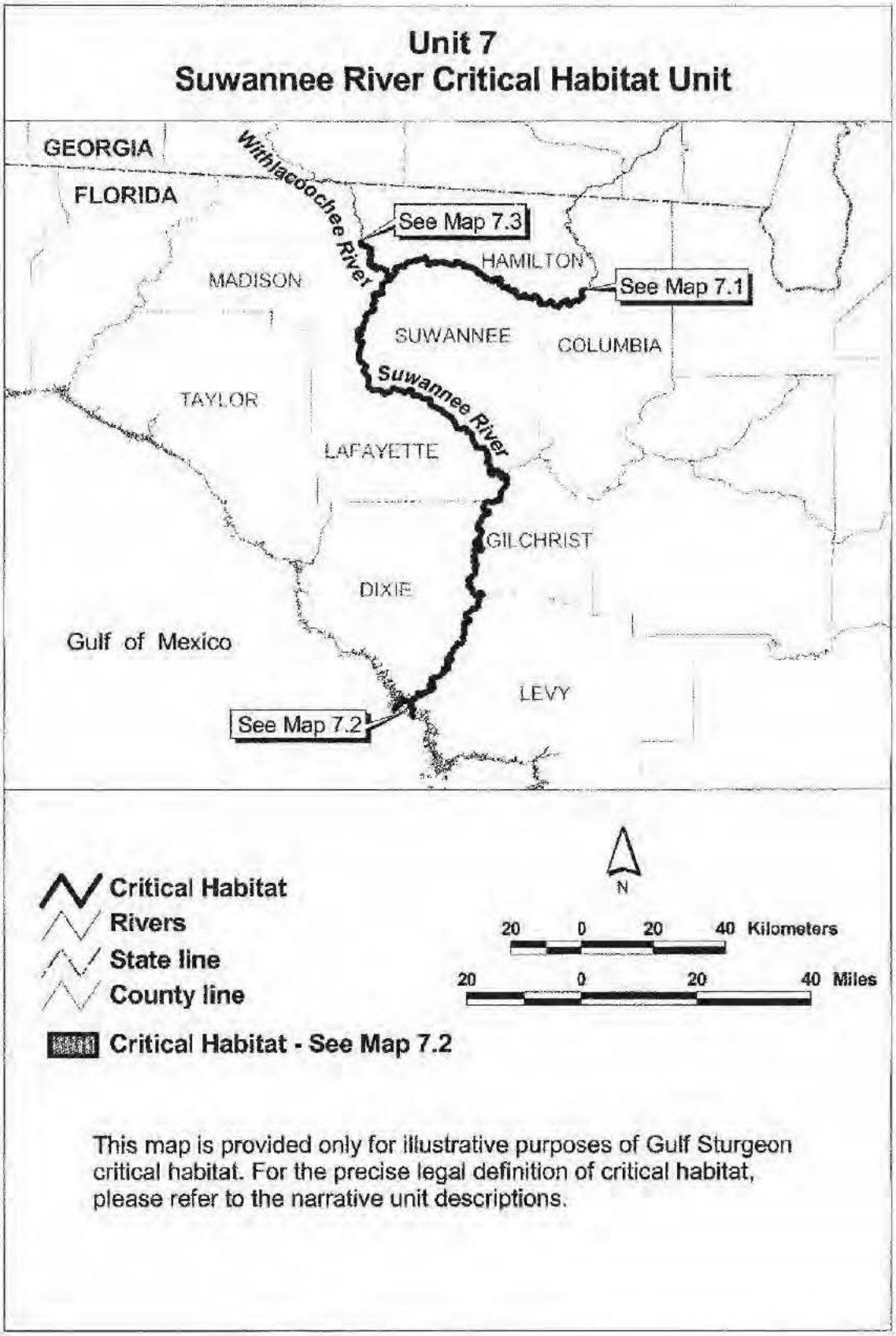
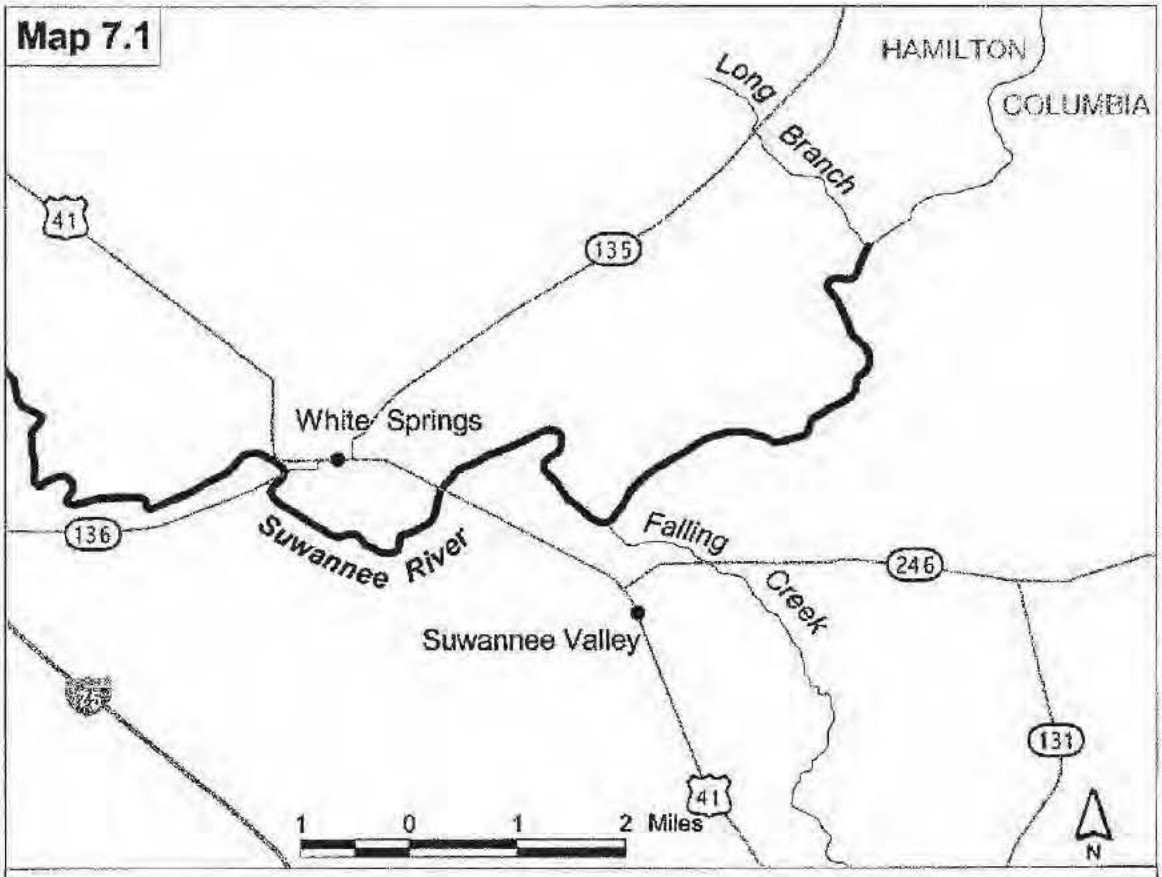
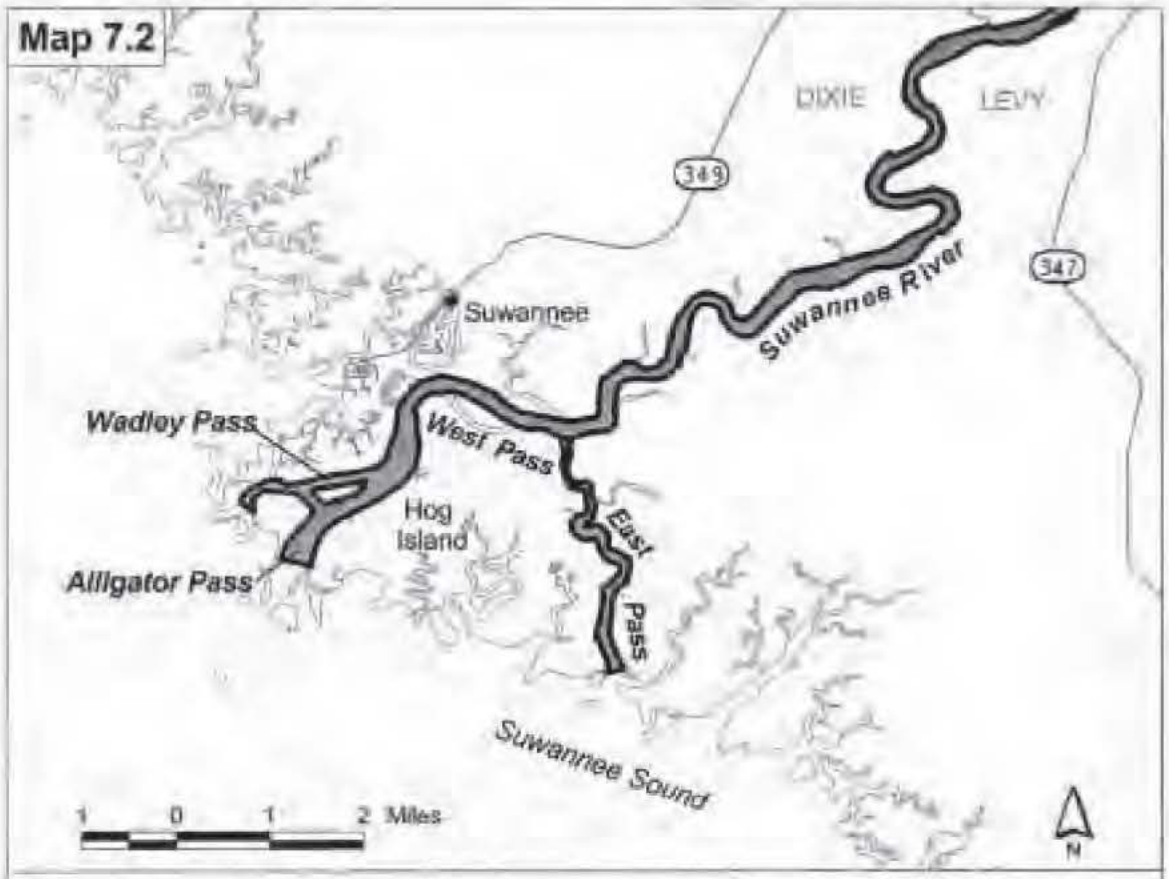

Unit 7
Suwannee River Critical Habitat Unit
GEORGIA
FLORIDA
Withlacoochee River
See Map 7.3
HAMILTON
See Map 7.1
MADISON
SUWANNEE
COLUMBIA
Suwannee River
TAYLOR
LAFAYETTE
GILCHRIST
DIXIE
Gulf of Mexico
LEVY
See Map 7.2
Critical Habitat
Rivers
State line
County line
Critical Habitat - See Map 7.2
N
20 0 20 40 Kilometers
20 0 20 40 Miles
This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



This map is provided only for illustrative purposes of Gulf Sturgeon critical habitat. For the precise legal definition of critical habitat, please refer to the narrative unit descriptions.



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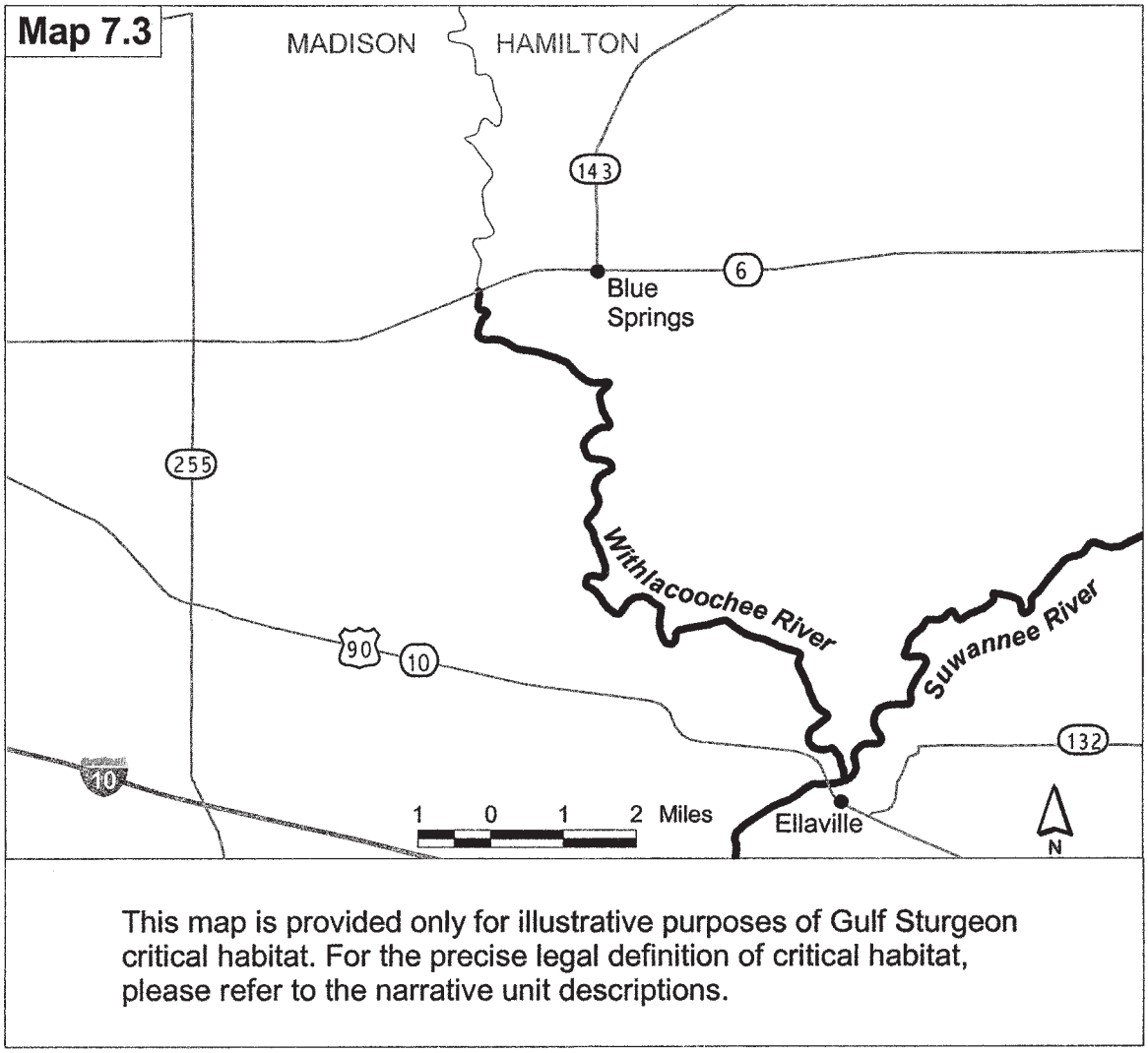


BILLING CODE 3510–22–C

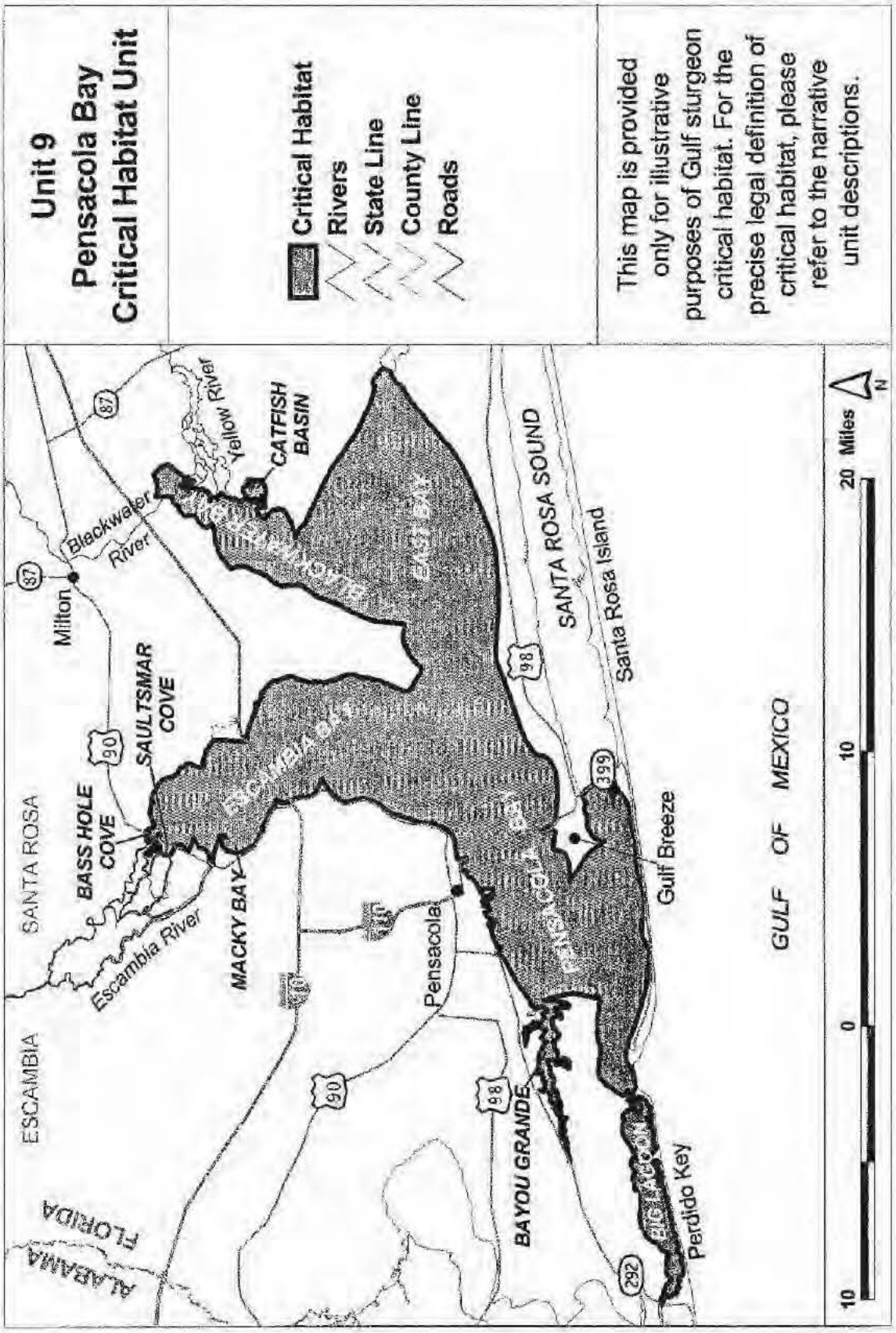
(12) *Unit 8:* Lake Pontchartrain, Lake St. Catherine, The Rigolets, Little Lake, Lake Borgne, and Mississippi Sound in Jefferson, Orleans, St. Tammany, and St. Bernard Parish, Louisiana, Hancock, Jackson, and Harrison Counties in Mississippi, and in Mobile County, Alabama.

(i) Unit 8 encompasses Lake Pontchartrain east of the Lake Pontchartrain Causeway, all of Little Lake, The Rigolets, Lake St. Catherine, Lake Borgne, including Heron Bay, and the Mississippi Sound. Critical habitat follows the shorelines around the perimeters of each included lake. The Mississippi Sound includes adjacent open bays including Pascagoula Bay, Point aux Chenes Bay, Grand Bay, Sandy Bay, and barrier island passes, including Ship Island Pass, Dog Keys Pass, Horn Island Pass, and Petit Bois Pass. The northern boundary of the Mississippi Sound is the shorelines of the mainland between Heron Bay Point, Mississippi and Point aux Pins, Alabama. Critical habitat excludes St. Louis Bay, north of the railroad bridge across its mouth; Biloxi Bay, north of the U.S. Highway 90 bridge; and Back Bay of Biloxi. The southern boundary follows along the broken shoreline of Lake Borgne created by low swampy islands from Malheureux Point to Isle au Pitre. From the northeast point of Isle au Pitre, the boundary continues in a straight north-northeast line to the point 1 nautical mile (nm) (1.9 kilometers (km)) seaward of the western most extremity of Cat Island (30°13′N, 89°10′W). The southern boundary continues 1 nm (1.9 km) offshore of the barrier islands and offshore of the 72 COLREGS lines at barrier island passes (defined at 33 CFR 80.815 (c), (d) and (e)) to the eastern boundary. Between Cat Island and Ship Island there is no 72 COLREGS line. We therefore, have defined that section of the southern boundary as 1 nm (1.9 km) offshore of a straight line drawn from the southern tip of Cat Island to the western tip of Ship Island. The eastern boundary is the line of longitude 88°18.8′W from its intersection with the shore (Point aux Pins) to its intersection with the southern boundary. The lateral extent of Unit 8 is the mean (average) high water (MHW) line on each shoreline of the included water bodies or the entrance to rivers, bayous, and creeks.

(ii) Major shipping channels in this unit, as identified on standard navigation charts and marked by buoys, are excluded under section 4(b)(2) of the Act.

(iii) Maps of Unit 8 follow:

BILLING CODE 3510–22–P



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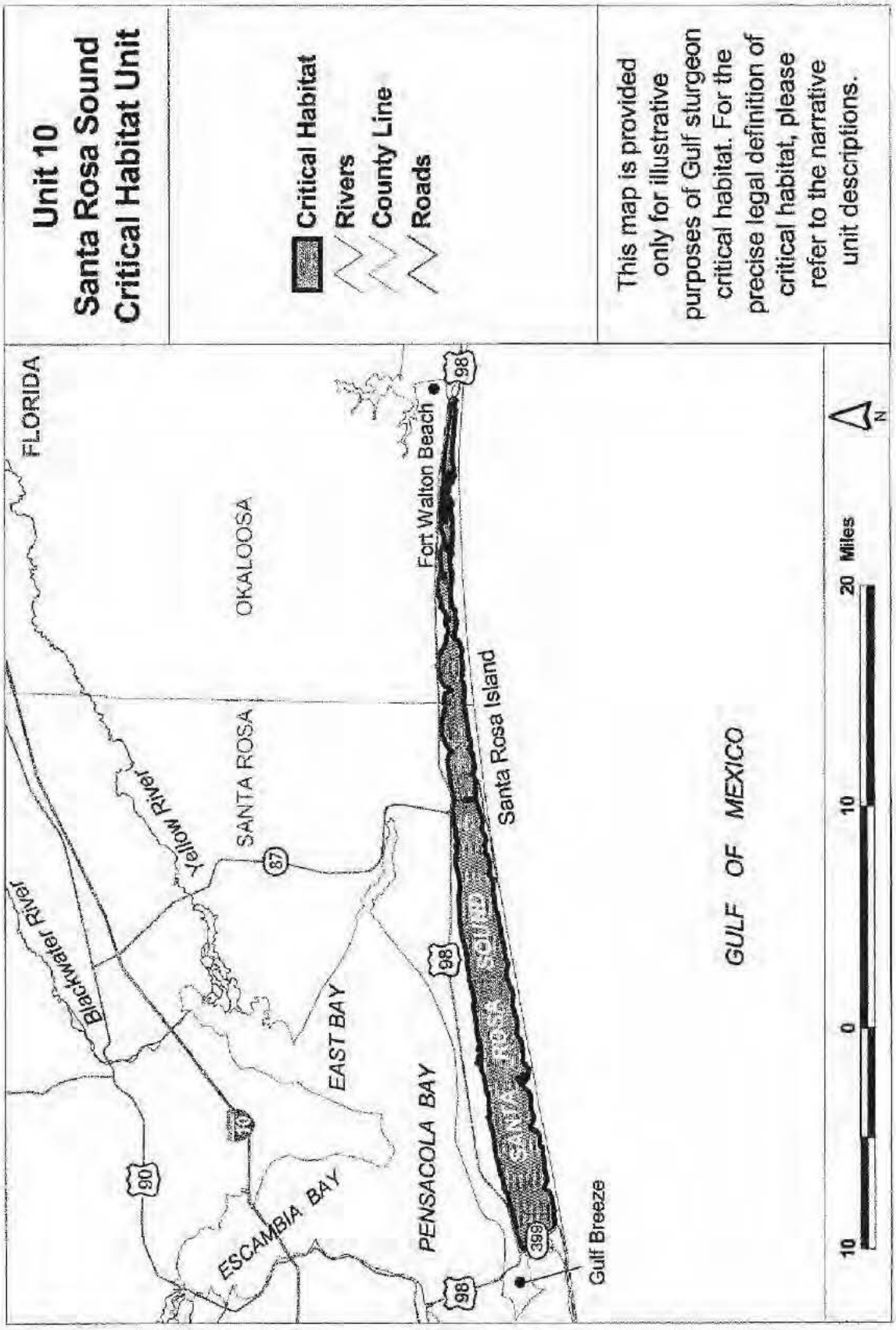

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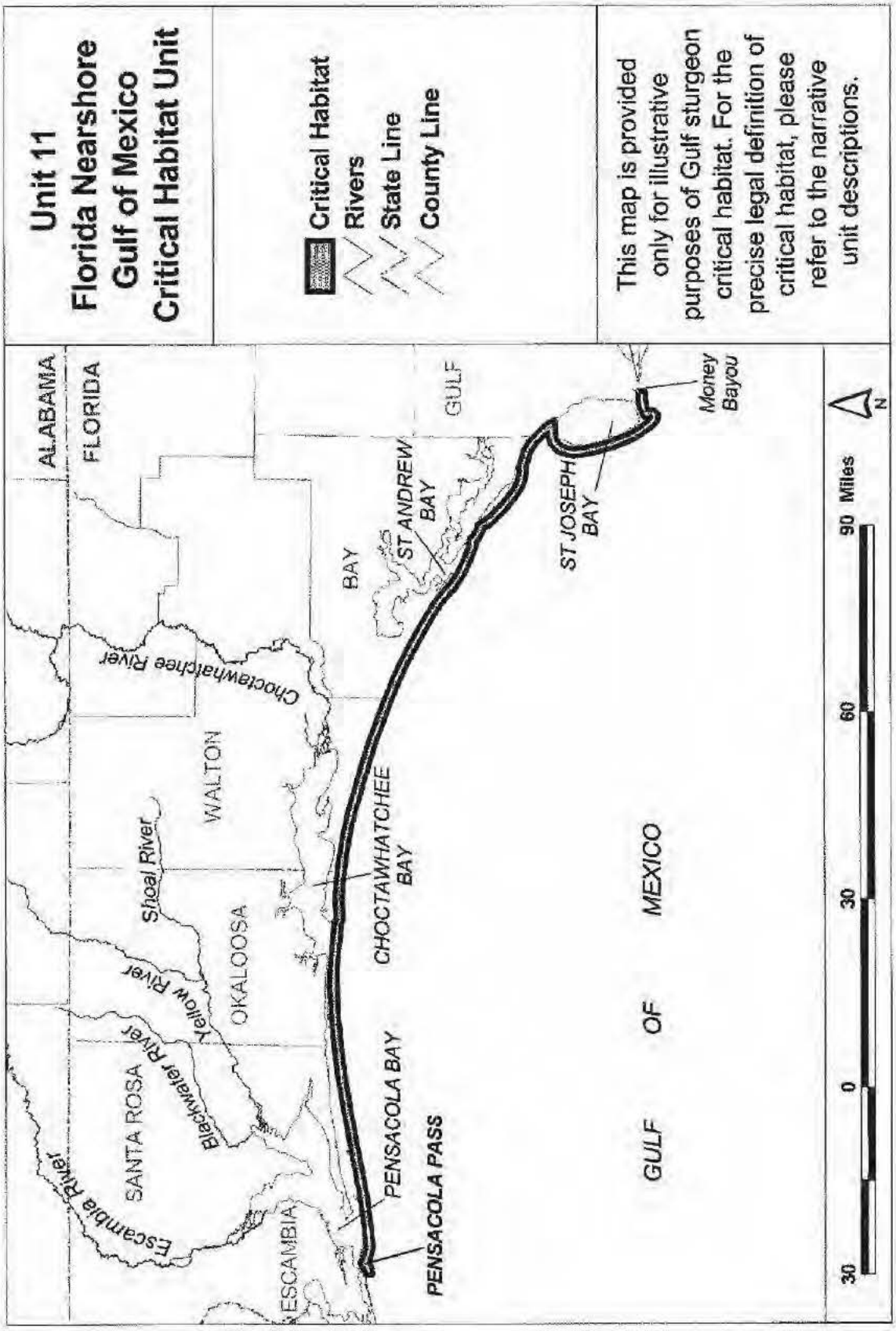

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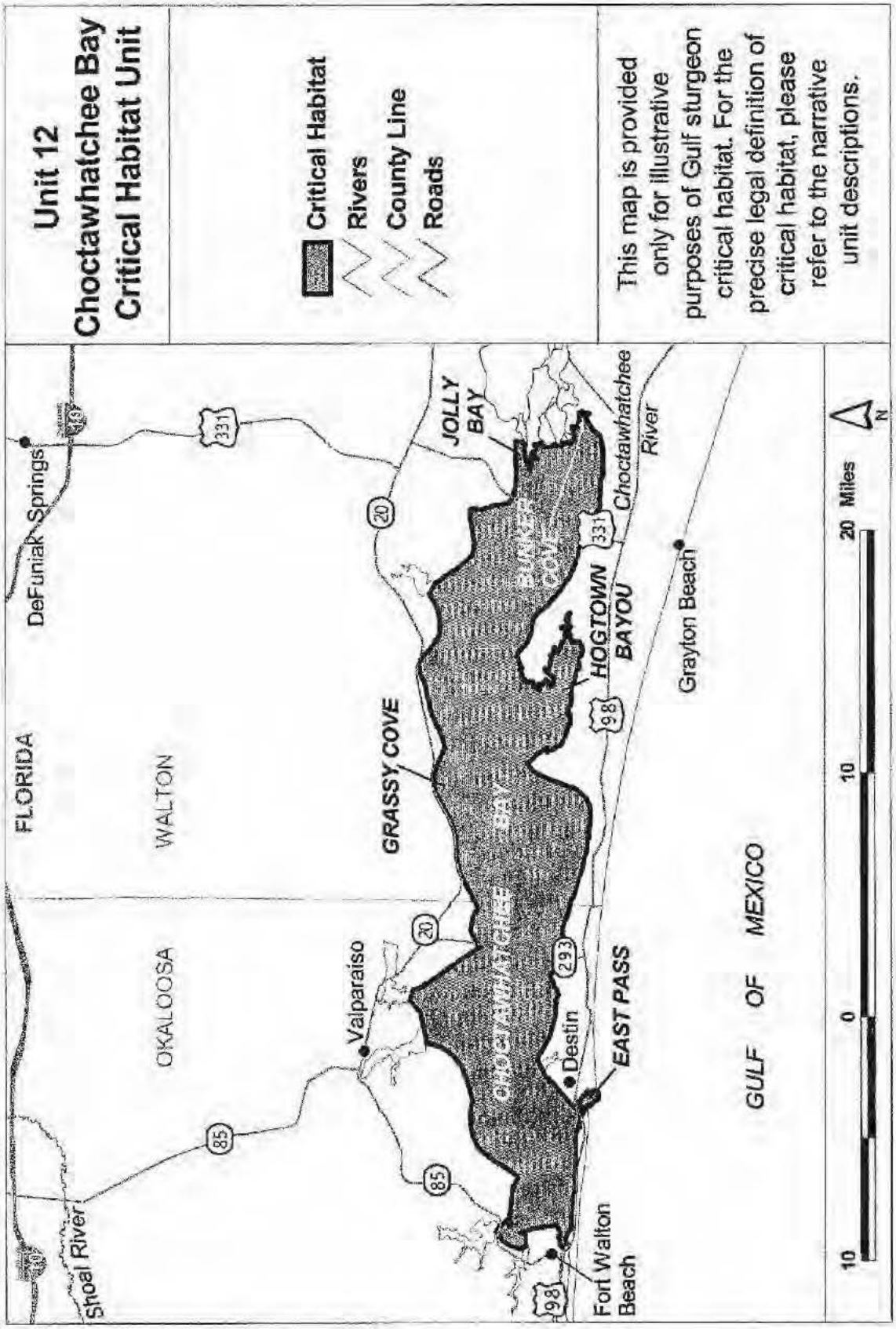
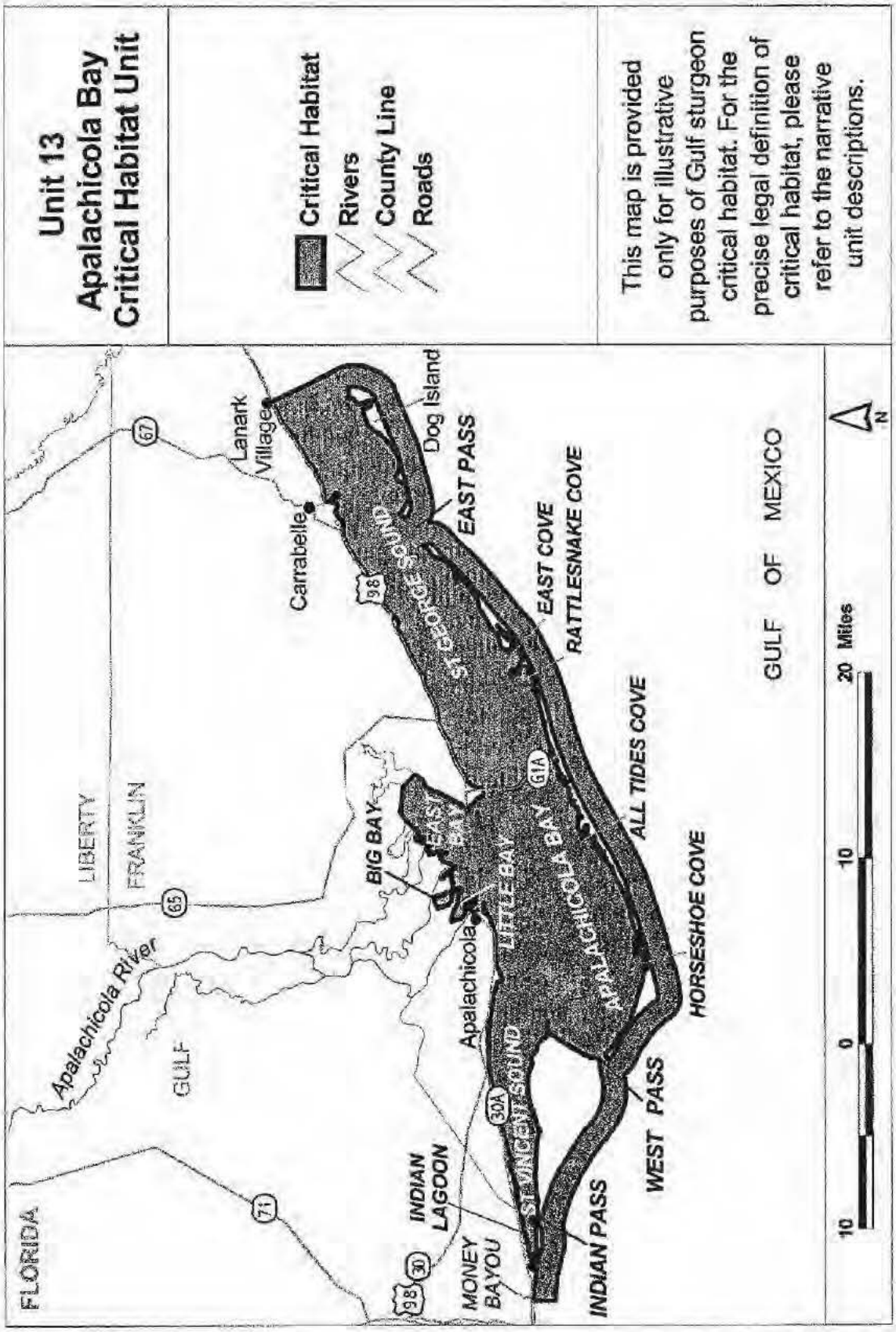


BILLING CODE 3510–22–P

(17) *Unit 13:* Apalachicola Bay in Gulf and Franklin County, Florida.

(i) Unit 13 includes the main body of Apalachicola Bay and its adjacent



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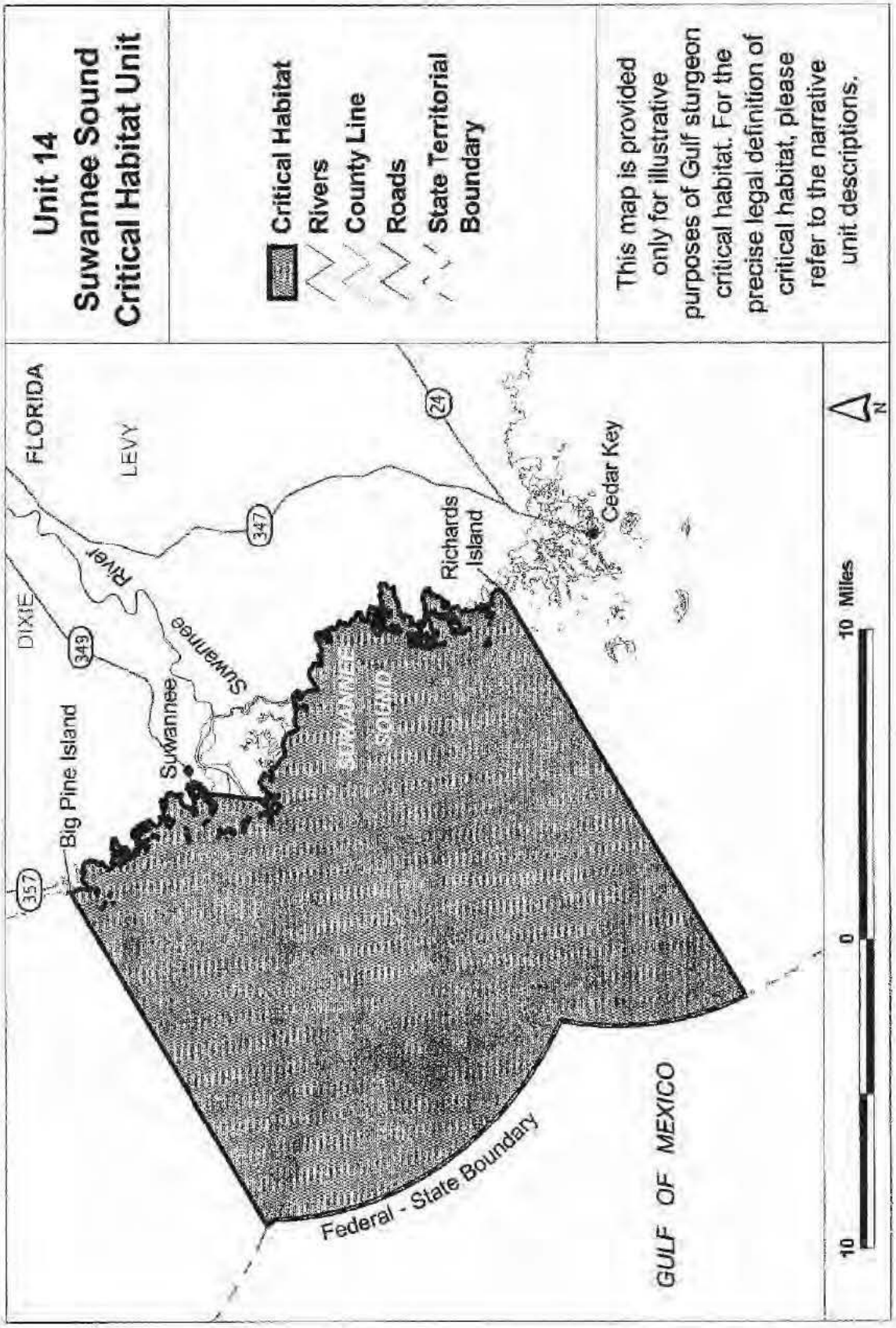

<FNP>

(19)(i) The river reaches within Units 1 to 7 as critical habitat lie within the ordinary high water line. As defined in 33 CFR 32.911, the ordinary high water

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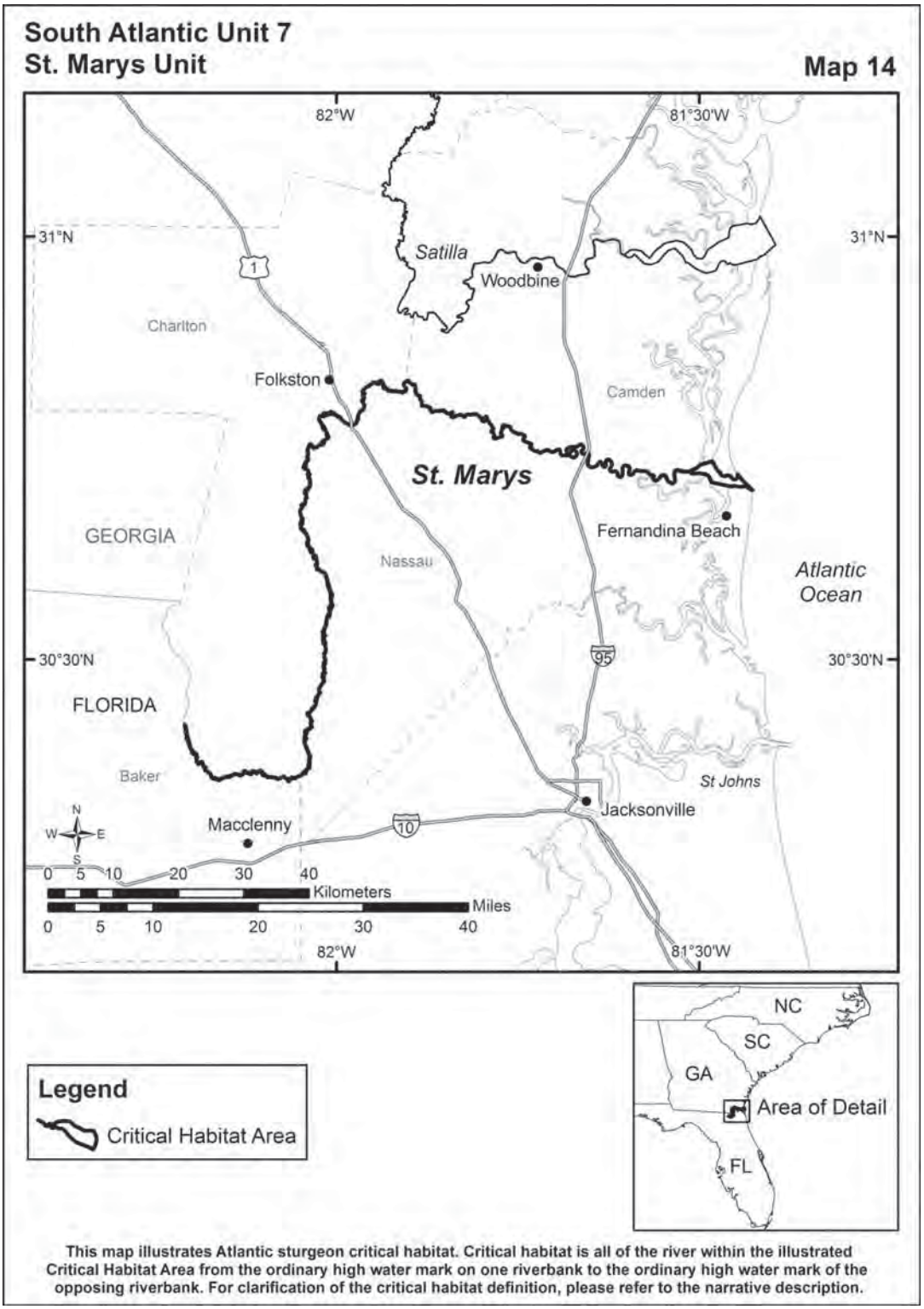
Attachment 6

Atlantic Sturgeon Critical Habitat Exclusion Zone.



[FR Doc. 2017–17207 Filed 8–16–17; 8:45 am]
BILLING CODE 3510–22–C

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Attachment 7

North American Right Whale Education Sign Zones.

These pages are extract from the National Marine Fisheries Services' Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017.

Table 3. North Atlantic Right Whale Educational Sign Zone

Name	Latitude	Longitude
Cumberland Sound	30.719564°N	81.449467°W
Nassau Sound	30.516611°N	81.444278°W
St. John's River	30.408053°N	81.399467°W
St Augustine Inlet	29.918411°N	81.288117°W
Matanzas Inlet	29.713831°N	81.227000°W
Ponce Inlet	29.083056°N	80.916494°W
Port Canaveral	28.409306°N	80.586689°W
Sebastian Inlet	27.860833°N	80.446725°W
Fort Pierce Inlet	27.471711°N	80.290378°W
St. Lucie Inlet	27.165567°N	80.157236°W
Jupiter Inlet	26.943950°N	80.070908°W
Riviera Beach	26.772353°N	80.034508°W

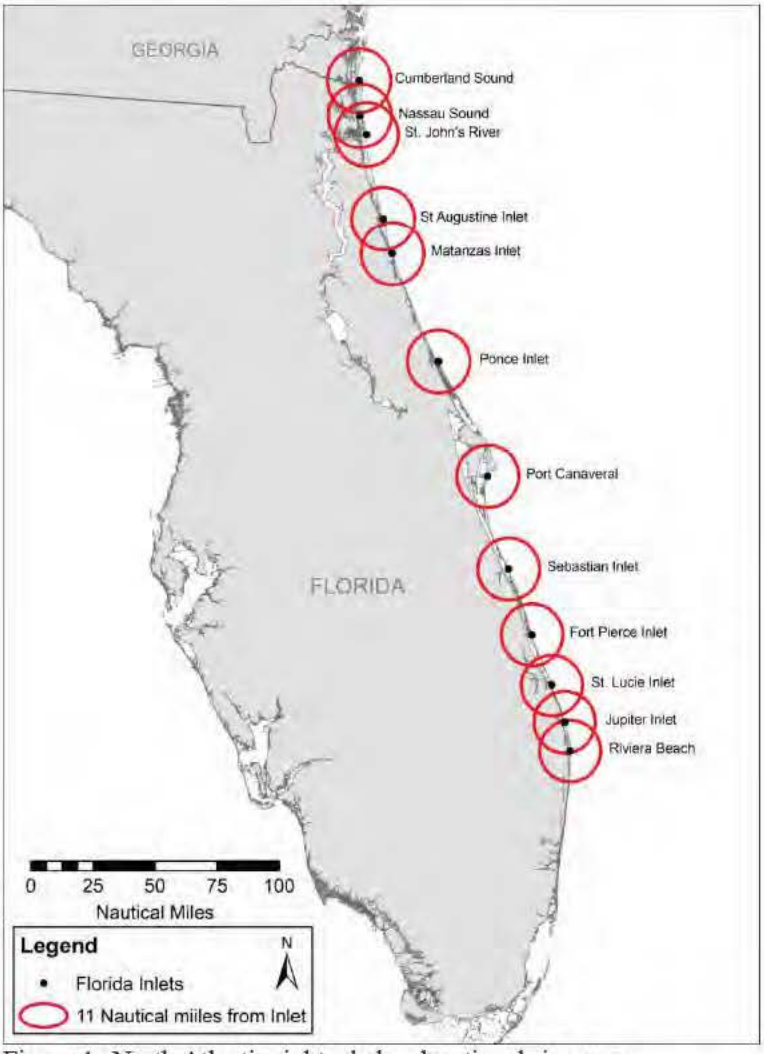

Figure 4. North Atlantic right whale educational sign zones.

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Attachment 8

Commencement Notification Form.

COMMENCEMENT NOTIFICATION

Within 10 days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) ***or*** *by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ-2015-2575, SPGP VI-R1

   FDEP or Designee Permit Number: _____

2. **Permittee Information**:

   Name: _____

   Email: _____

   Address: _____

   _____

   Phone: _____

3. **Construction Start Date**: _____

4. **Contact to Schedule Inspection**:

   Name: _____

   Email: _____

   Phone: _____

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

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Attachment 9

Self Certification Statement of Compliance.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE
SPGP VI-R1

Permit Number: _____

Permittee's Name & Address (please print or type):_____

_____

_____

Telephone Number: _____

Location of the Work: _____

_____

Date Work Started: _____ Date Work Completed:
_____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES _____ NO_____

TO SCHEDULE AN INSPECTION PLEASE CONTACT _____ AT _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):_____

_____

_____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

_____

_____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

_____

_____

****

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

_____
Signature of Permittee

_____
Date

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Attachment 10

Department of the Army Permit Transfer for SPGP V-R1.

Department of the Army Permit Transfer for SPGP VI-R1

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

_____

_____

(Subdivision) (Lot) (Block)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

_____ _____

(Transferee Signature) (Date)

_____

(Name Printed)

_____

(Street address)

_____

(Mailing address)

_____

US Army Corps of Engineers®

Department of the Army Permit
State Programmatic General Permit
(SPGP VI-R1)

Attachment 11

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat.

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service
November 2017

Submerged Aquatic Vegetation:

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.

2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.

3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.

4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.

5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.

b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3feet above MHW section is constructed with grating material, it may be 3 feet wide.

6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).

7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.

8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.

9. The gaps between deckboards shall be a minimum of ½ inch.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.
February 2003 – Manufacturer name changed from ChemGrate to FiberGrate
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.
March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.
November 2017 – Manufacturer of grated material updated to include Voyager Industries.

Marsh:

1. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.

2. The over-marsh portion of the piling-supported shall be elevated to at least 4 feet above the marsh floor.

3. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

Mangroves.

1. The width of the piling-supported structure is limited to a maximum of 4 feet.

2. Mangrove clearing is restricted to the width of the piling-supported structure.

3. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

Grid Specifications and Suppliers

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for piling-supported structure construction. Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. **All light-transmitting materials used in construction for minor piling-supported structures shall have a minimum of forty-three (43) percent open space.**

A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). A type of plastic grating is manufactured by ThruFlow Interlocking Panels (1-888-478-3569). Plastic grate panels are also distributed by Southern Pine Lumber Company (Stuart, FL; 772-692-2300). Grated panels can be obtained from Titan Deck/Voyager Industries (Brandon, MN; 877-207-4136; www.titandeck.net). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.
February 2003 – Manufacturer name changed from ChemGrate to FiberGrate
May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.
March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.
November 2017 – Manufacturer of grated material updated to include Voyager Industries.

Excerpts from JAXBO PDC A.2.17
Additional PDCs for docks located in Johnson's Designated Critical Habitat, replacement of docks with Johnson's seagrass in the footprint of structure, or new docks when Johnson's seagrass:

1. To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:
   - The dock must be positioned to avoid and minimize effects to Johnson's seagrass
   - Over any area that contains Johnson's seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
   - If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
   - Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
   - Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
   - No covered boat lifts are allowed over any Johnson's seagrass.

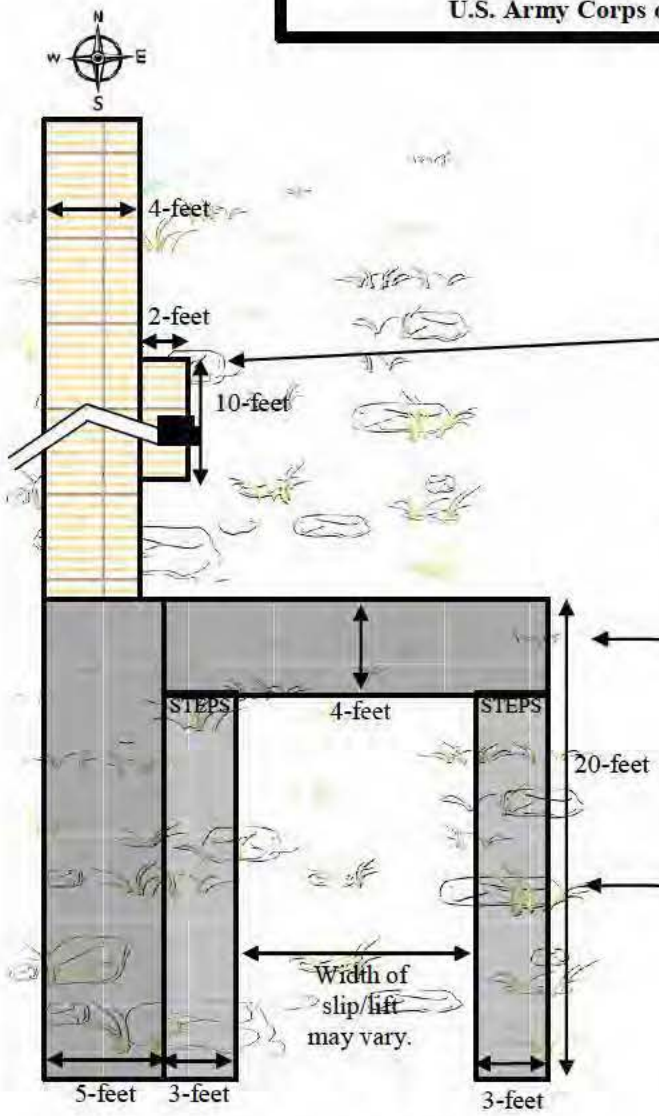
2. Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:

   Grated decking:
   - Height requirement: The surface of the structure, including the dock walkway (the over-water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
   - Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
   - Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.

   Plank decking:
   - Height requirement: The surface of the structure, including the dock walkway (the over-water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
   - Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.
   - Material description: Deck boards may be constructed of any material. Deck boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards

DOCK EXAMPLE — GRATED TERMINAL PLATFORM

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001



OVERHEAD PLAN VIEW

"GRATED DECKING"
Means manufactured with a minimum of 43% open space.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
Only for docks over 200-feet long.

LIFT ONLY
No roof.
Vessel should be stored as high above MHW as possible .

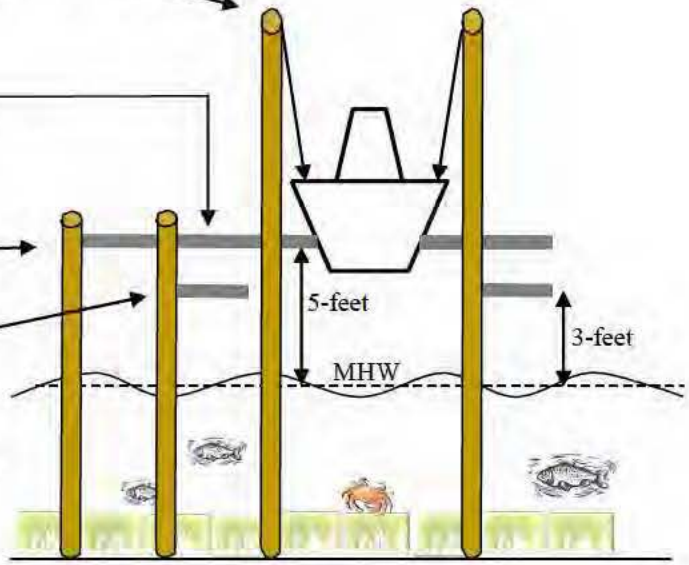
STERN WALKWAY
Allowed if lift constructed.
May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
No less than 5-feet above MHW

ACCESS CATWALKS
3-feet wide if grated decking.
3-feet above MHW to facilitate boat access.
Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water

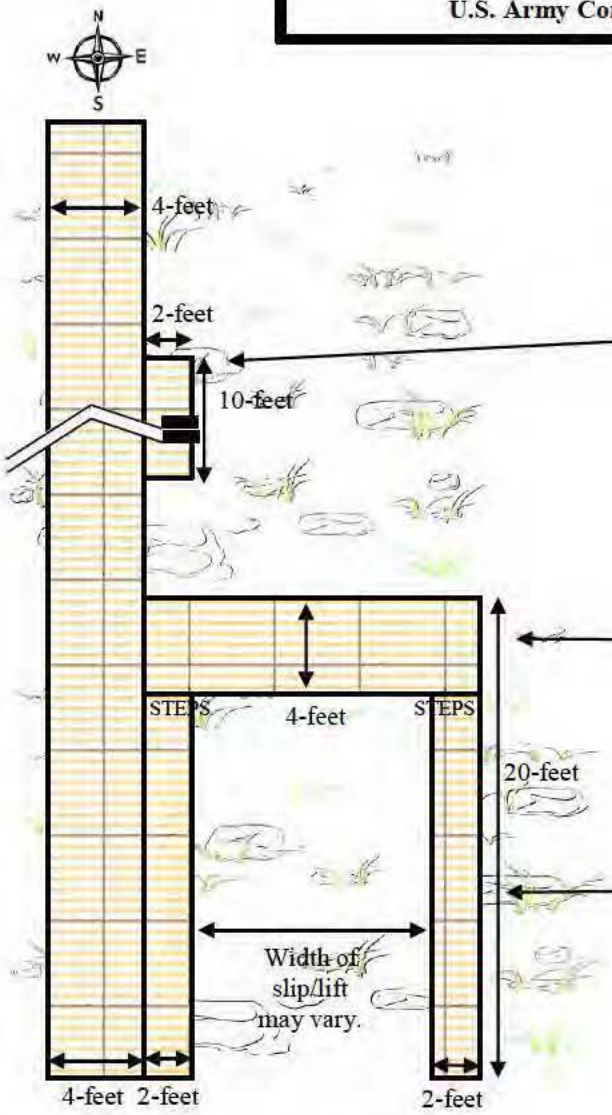


FRONT PLAN VIEW

VER: 201407

DOCK EXAMPLE — WOOD PLANK TERMINAL PLATFORM

Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service—August 2001



OVERHEAD PLAN VIEW

The gaps between deckboards shall be a minimum of 1/2 inch.

Spacing of pilings through SAV beds shall be a minimum of 10-feet on center.

MIDPOINT TURNAROUND
Only for docks over 200-feet long.

LIFT ONLY
No roof.
Vessel should be stored as high above MHW as possible .

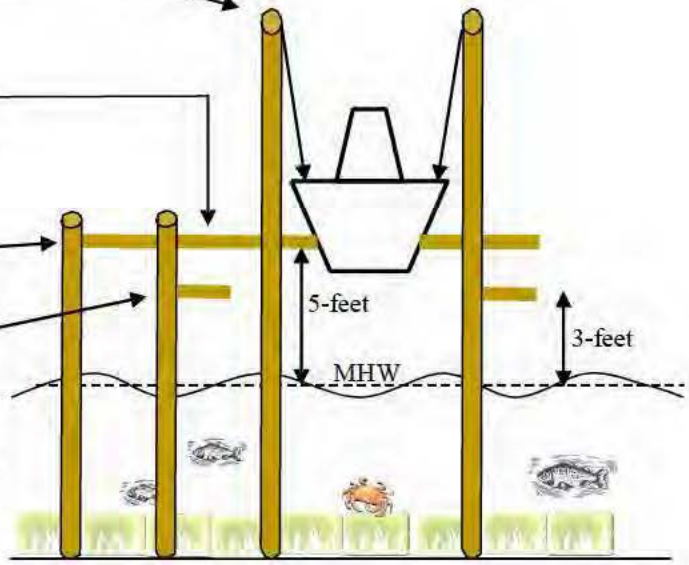
STERN WALKWAY
Allowed if lift constructed.
May be less than 4-feet wide if longer slip is needed.

MINIMUM HEIGHT
No less than 5-feet above MHW

ACCESS CATWALKS
2-feet wide if wood decking.
3-feet above MHW to facilitate boat access.
Cantilevered off main structures; no additional pilings.

NOTES:

- Not to scale.
- All widths are maximum dimension.
- All heights are minimum dimension.
- Piling supported structures over SAV should be oriented north-south to the extent practicable.
- MHW = mean high water



FRONT PLAN VIEW

VER: 201407

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(SPGP VI-R1)

Attachment 12

Federal Navigation Channels.

Federal Navigation Channels

Not all Federal channels shown.
This map is being updated to include the missing ones.
Updates will be posted in the "Source Book" webpage of the
Regulatory Division, Jacksonville District, U.S. Army Corps of Engineers
http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx

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(SPGP VI-R1)

Attachment 13

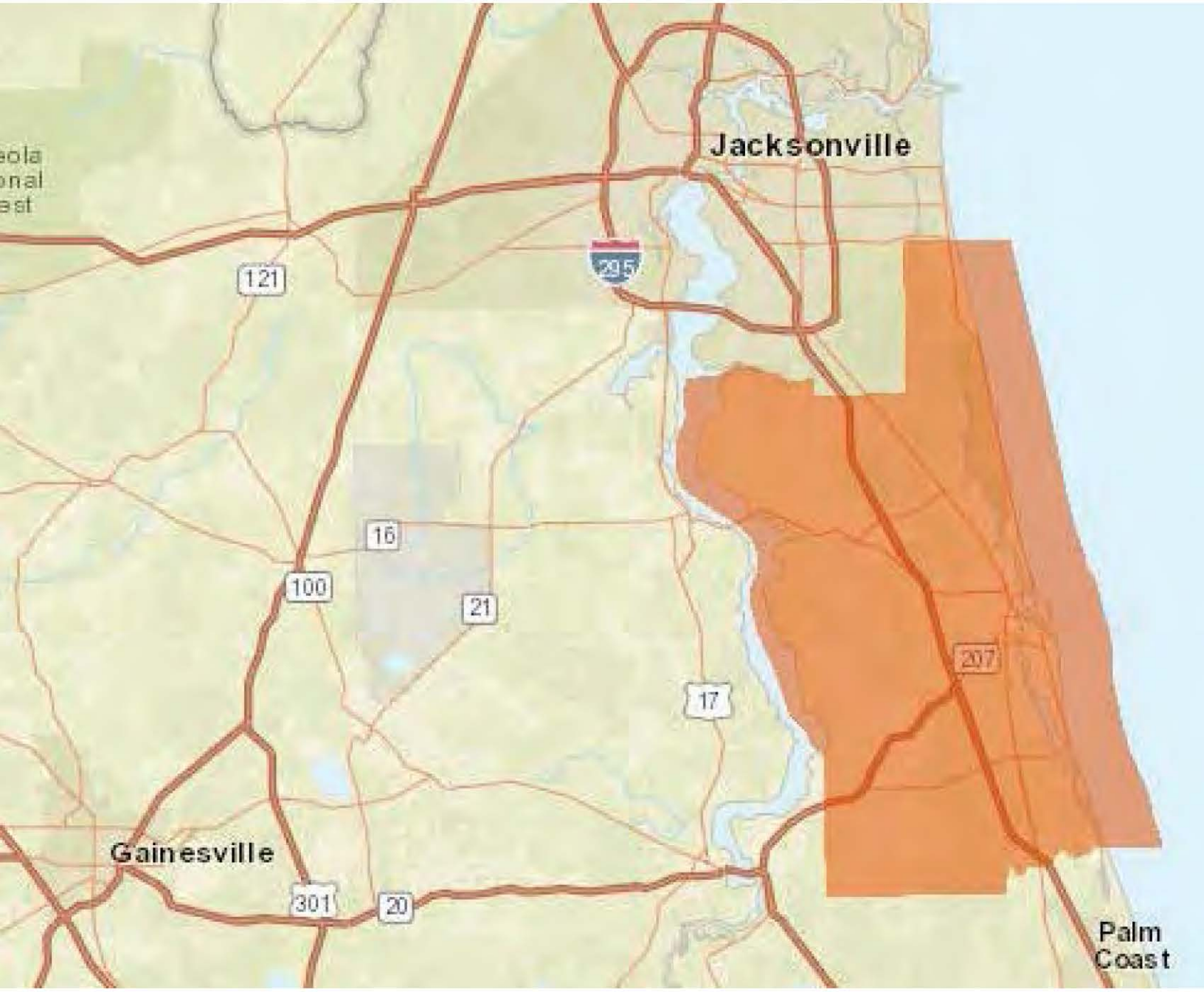
Beach Mice Habitat.

Southeastern Beach Mouse

Map shows County boundaries (downloaded from http://ecos.fws.gov)

Anastasia Beach Mouse

Map shows County boundaries (downloaded from http://ecos.fws.gov)



Anastasia Beach Mouse and Southeastern Beach Mouse Habitat Description

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Endangered Status for the Anastasia Island Beach Mouse and Threatened Status for the Southeastern Beach Mouse

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service hereby determines the Anastasia Island beach mouse (*Peromyscus polionotus phasma*) to be an endangered species and the southeastern beach mouse (*Peromyscus polionotus niveiventris*) to be a threatened species pursuant to the Endangered Species Act of 1973, as amended (Act). These mice occur only on the Atlantic coast of Florida and have declined primarily due to the alteration and destruction of their habitat. In some areas competition from house mice and predation by house cats may also be affecting survival. This rule implements the protection and recovery provisions afforded by the Act for these two beach mice.

EFFECTIVE DATE: June 12, 1989.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Wesley, Field Supervisor, at the above address (904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION

Background

Beach mice are pale-colored coastal subspecies of the oldfield mouse (*Peromyscus polionotus*), a wide-ranging species in the southeastern United States. Beach mice occur only along the Atlantic and Gulf coasts of Florida and the Gulf coast of Alabama. Three subspecies of Gulf coast beach mice, the Alabama beach mouse (*Peromyscus polionotus ammobates*), Perdido Key beach mouse (*P. p. trissyllepsis*), and the Choctawhatchee beach mouse (*P. p. allophrys*), have already been listed as endangered species pursuant to the Act (June 6, 1985; 50 FR 23872). The present rule lists two of the Atlantic coast subspecies. One of these, the Anastasia Island beach mouse (*P. p. phasma*), is listed as an endangered species; the other, the southeastern beach mouse (*P. p. niveiventris*), is listed as threatened. Both occur only in Florida. The Anastasia Island beach mouse was known historically from the mouth of the St. Johns River, Duval County, south to Matanzas Inlet, St. Johns County. The southeastern beach mouse formerly occurred from Ponce (Mosquito) Inlet, Volusia County, south to Hollywood Beach, Broward County (Humphrey 1987).

The Anastasia Island beach mouse (*Peromyscus polionotus phasma*) was named by Bangs in 1898 as a full species, *Peromyscus phasma*. Osgood (1909) relegated it to subspecific rank under the species *Peromyscus polionotus*. It is one of the largest of the beach mice, with ten adults from the type locality averaging 138.5 mm. in total length with an average tail length of 53 mm. (Osgood 1909). Like all beach mice, it is considerably paler than inland races of *P. polionotus*. The coloration is light ochraceous buff on the back, with pure white underparts, a unicolor tail, and rather indistinct white markings on the nose and face (Howell, unpubl. ms., *circa* 1940). The type locality is Point Romo, Anastasia Island, St. Johns County, Florida (Hall 1981).

The southeastern beach mouse (*Peromyscus polionotus niveiventris*) was named by Chapman as *Hesperomys niveiventris* in 1889. Bangs placed it in the genus *Peromyscus* in 1898, and Osgood (1909) relegated it to subspecies rank under *Peromyscus polionotus*. This is the largest of the beach mice, with 10 adults averaging 139 mm. in total length and 52 mm. in tail length (Osgood 1909). It is slightly darker and more buffy than *Peromyscus polionotus phasma*, but still considerably paler than most inland subspecies (it is similar in coloration to inland *P. p. rhoadsi*, but is much larger in size) (Howell, unpubl. ms., *circa* 1940). The type locality is Oak Lodge, east peninsula opposite Micco, Brevard County, Florida (Hall 1981).

Both *Peromyscus polionotus phasma* and *P. p. niveiventris* are restricted to sand dunes mainly vegetated by sea oats (*Uniola paniculata*) and dune panic grass (*Paspalum amarulum*), and to the adjoining scrub, characterized by oaks (*Quercus* sp.) and sand pine (*Pinus clausa*) or palmetto (*Serenoa repens*) (Humphrey and Barbour 1981, Humphrey 1987). Extine and Stout (1987) studied dispersion and movements of *Peromyscus polionotus niveiventris* on Merritt Island. The habitat of the mice consisted of three contiguous zones of vegetation running parallel with the beach and dune lines. Zone 1 was seaward and supported sea oats; Zone 2 was characterized by clumps of palmetto and sea grape (*Coccoloba uvifera*), and expanses of open sand; Zone 3 was interior and consisted of dense scrub dominated by palmetto, sea grape, and wax myrtle (*Myrica cerifera*). Zones 2 and 3 were found to be the preferred habitats of the beach mice, whereas Zone 1 was marginal.

The following information pertains mostly to Gulf coast beach mice, but probably applies to subspecies along the Atlantic coast, since all beach mice are morphologically similar and live in similar habitats.

Blair (1951) found that food plants most utilized by beach mice are various beach grasses and sea oats. The fruits of beach grass are readily available to the mice, but those of sea oats are usually obtainable only after they have been blown down by heavy winds. These foods are often found stored in mouse burrows. Beach mice also probably eat invertebrates from time to time, especially in late spring and early summer when seeds are scarce (Ehrhart *in* Layne, 1978).

Beach mice are burrow-inhabiting animals. Ehrhart (*in* Layne 1978), writing

Perdido Key Beach Mouse

Map shows County boundaries (downloaded from http://ecos.fws.gov)

Perdido Key Beach Mouse
Critical Habitat Description

Perdido Key Beach Mouse (*Peromyscus polionotus trissyllepsis*)

(1) Critical habitat units are depicted for Escambia County, Florida, and Baldwin County, Alabama, on the maps below.

(2) The primary constituent elements of critical habitat for the Perdido Key beach mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that collectively provide foraging opportunities, cover, and burrow sites;

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators;

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge;

(iv) Functional, unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and re-colonization of locally extirpated areas; and

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

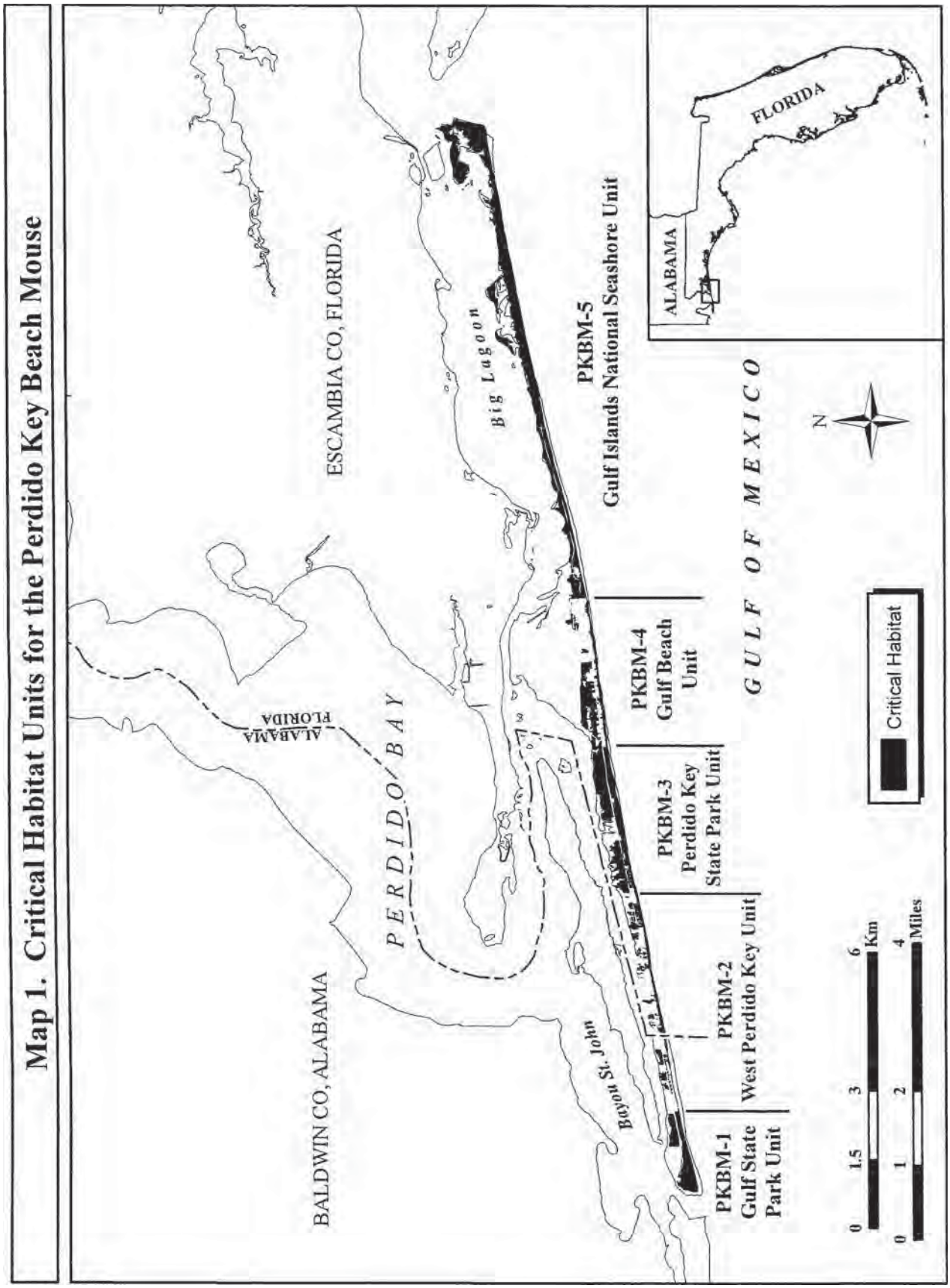
(3) Critical habitat does not include man-made structures existing on the effective date of this rule and not containing one or more of the primary constituent elements, such as buildings, aqueducts, airports, driveways, and roads, and the land on which such structures are located.

(4) *Critical Habitat Map Units.* Data layers defining map units were created by delineating habitats that contained one or more of the primary constituent elements defined in paragraph (2) of this entry over 1999 and 2004 digital ortho photography at a scale of at least 1:4000.

(5) Note: Map 1 Index of Critical Habitat Units for the Perdido Key beach mouse, follows:

BILLING CODE 4310–55–P

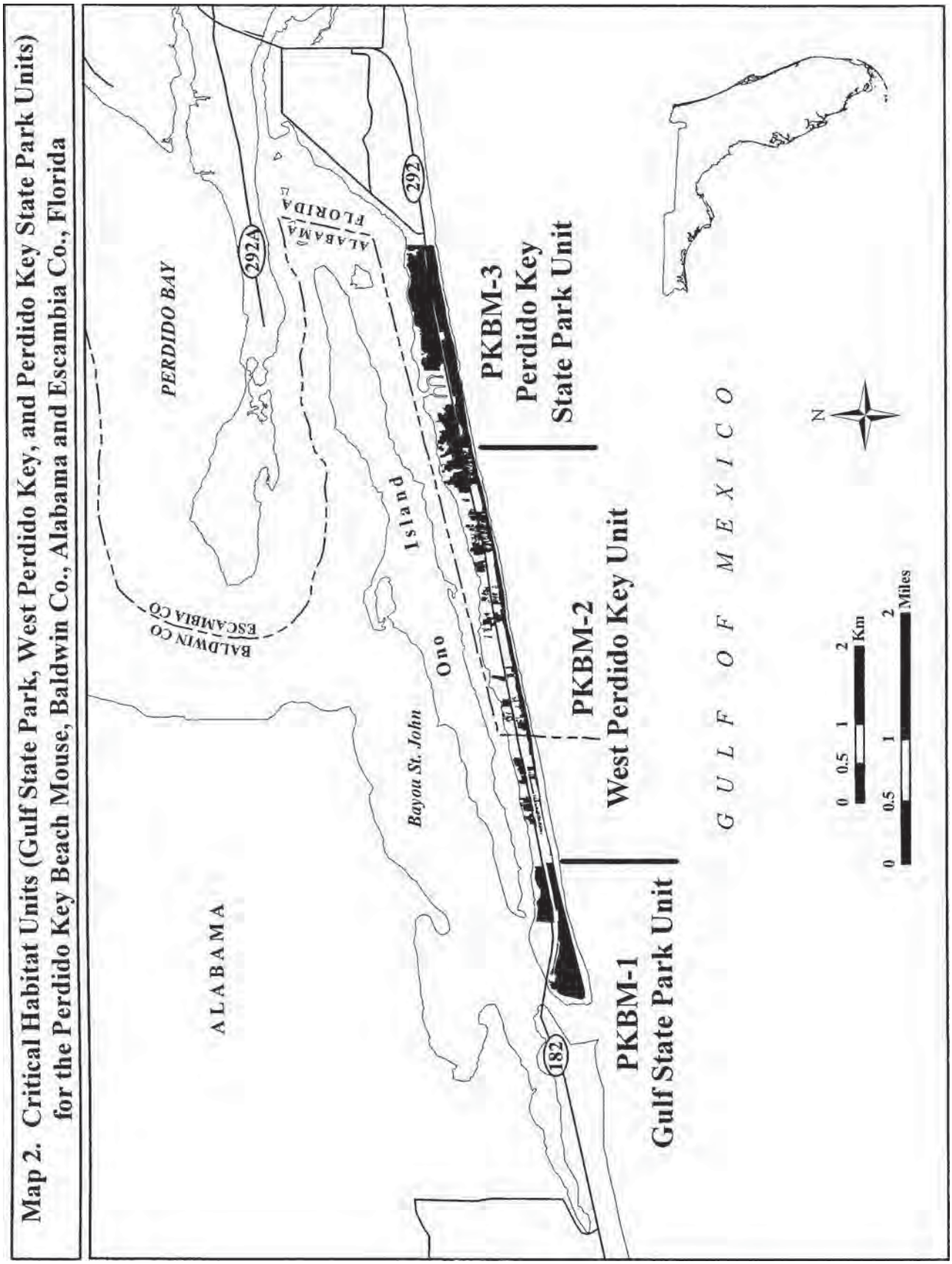
Perdido Key Beach Mouse
Critical Habitat Description



BILLING CODE 4310–55–C

(6) PKBM—Unit 1: Gulf State Park Unit, Baldwin County, Alabama.

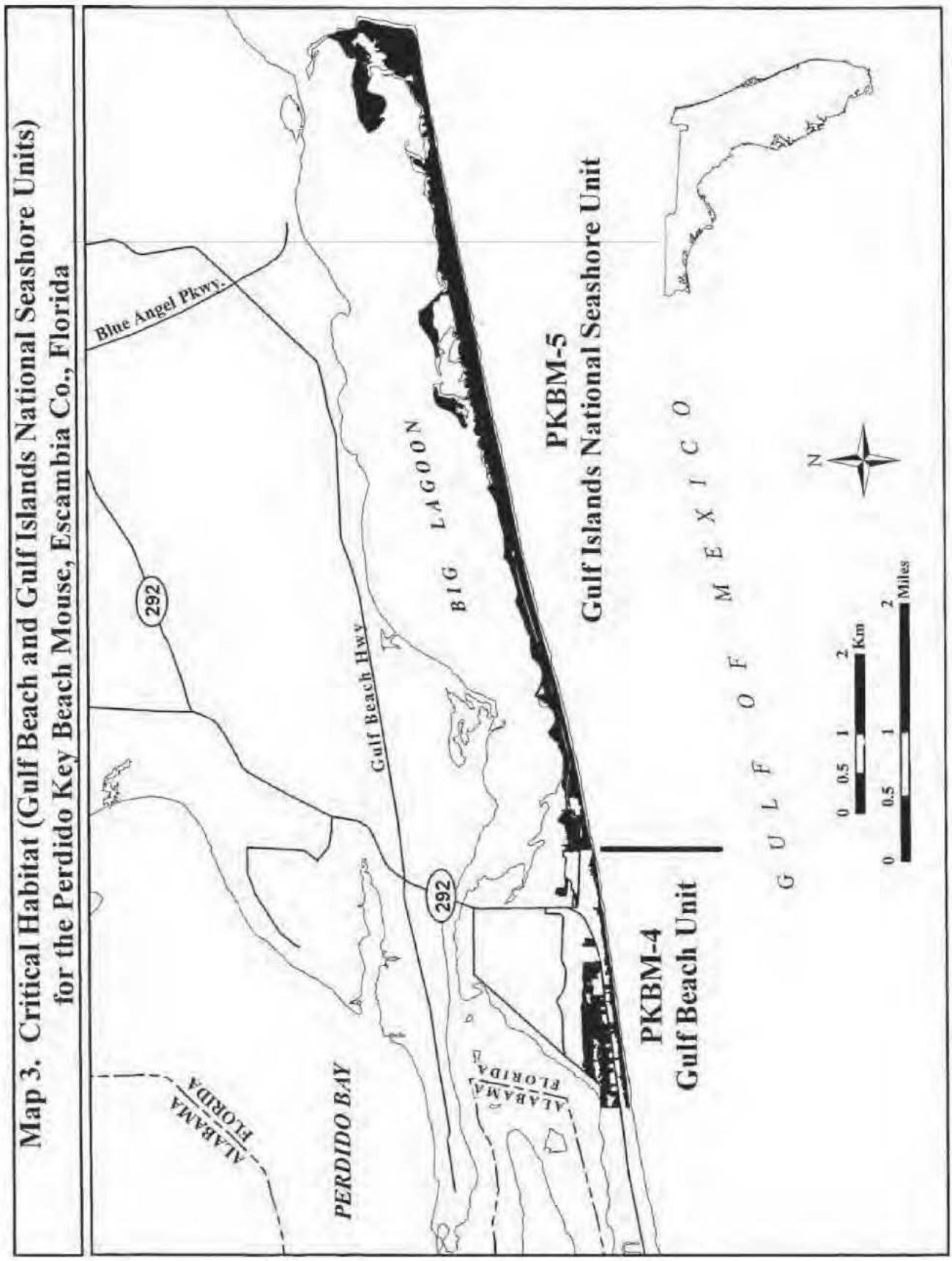
(i) *General Description:* This unit encompasses essential features of beach



BILLING CODE 4310–55–C

(9) PKBM—Unit 4: Gulf Beach Unit, Escambia County, Florida.

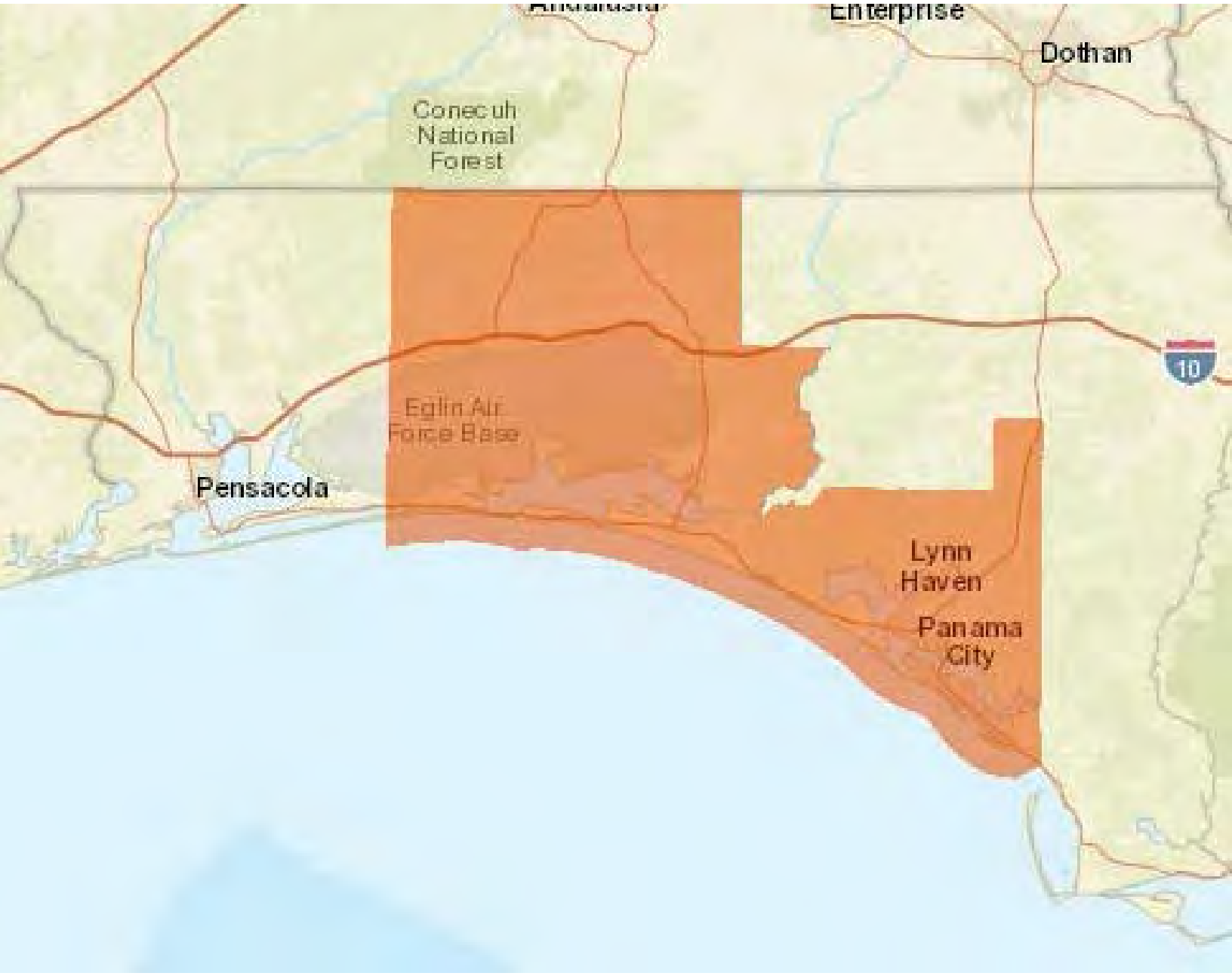
(i) *General Description:* This unit includes essential features of beach



Map 3. Critical Habitat (Gulf Beach and Gulf Islands National Seashore Units) for the Perdido Key Beach Mouse, Escambia Co., Florida

Chotowatchee Beach Mouse

Map shows County boundaries (downloaded from http://ecos.fws.gov)



approval by OMB under the Paperwork Reduction Act. This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

It is our position that, outside the Tenth Circuit, we do not need to prepare environmental analyses as defined by the NEPA in connection with designating critical habitat under the Endangered Species Act of 1973, as amended. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This assertion was upheld in the courts of the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. Ore. 1995), cert. denied 116 S. Ct. 698 (1996).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and the Department of Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that there are no tribal lands occupied at the time of listing contain the features essential for the conservation and no tribal lands that are unoccupied areas that are essential for the conservation of Perdido Key beach mice, Choctawhatchee beach mice, and St. Andrew beach mice. Therefore, designation of critical habitat for Perdido Key beach mice, Choctawhatchee beach mice, and St. Andrew beach mice has not been designated on Tribal lands.

References Cited

A complete list of all references cited in this rulemaking is available upon request from the Field Supervisor, Panama City Fish and Wildlife Office (see **ADDRESSES** section).

Author(s)

The primary author of this package is the Panama City Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

■ Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. In § 17.11(h), revise the entry for ''Mouse, St. Andrew beach'' under ''MAMMALS'' to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*		*
Mouse, St. Andrew beach.	*Peromyscus polionotus peninsularis.*	U.S.A. (FL)	Entire	E	655	17.95(a)	NA
*	*	*	*	*	*		*

■ 3. In § 17.95(a), revise the entries for ''Choctawhatchee Beach Mouse (*Peromyscus polionotus allophrys*)'' and ''Perdido Key Beach Mouse (*Peromyscus polionotus trissyllepsis*),'' and add an entry for ''St. Andrew Beach Mouse (*Peromyscus polionotus peninsularis*)'' in the same alphabetical order that this species appears in the table at § 17.11(h) to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

(a) Mammals.

* * * * *

Choctawhatcee Beach Mouse (*Peromyscus polionotus allophrys*)

(1) Critical habitat units are depicted for Okaloosa, Walton, and Bay Counties, Florida, on the maps below.

(2) The primary constituent elements of critical habitat for the Choctawhatchee beach mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that collectively provide foraging opportunities, cover, and burrow sites;

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators;

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge;

(iv) Functional, unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and re-colonization of locally extirpated areas; and

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

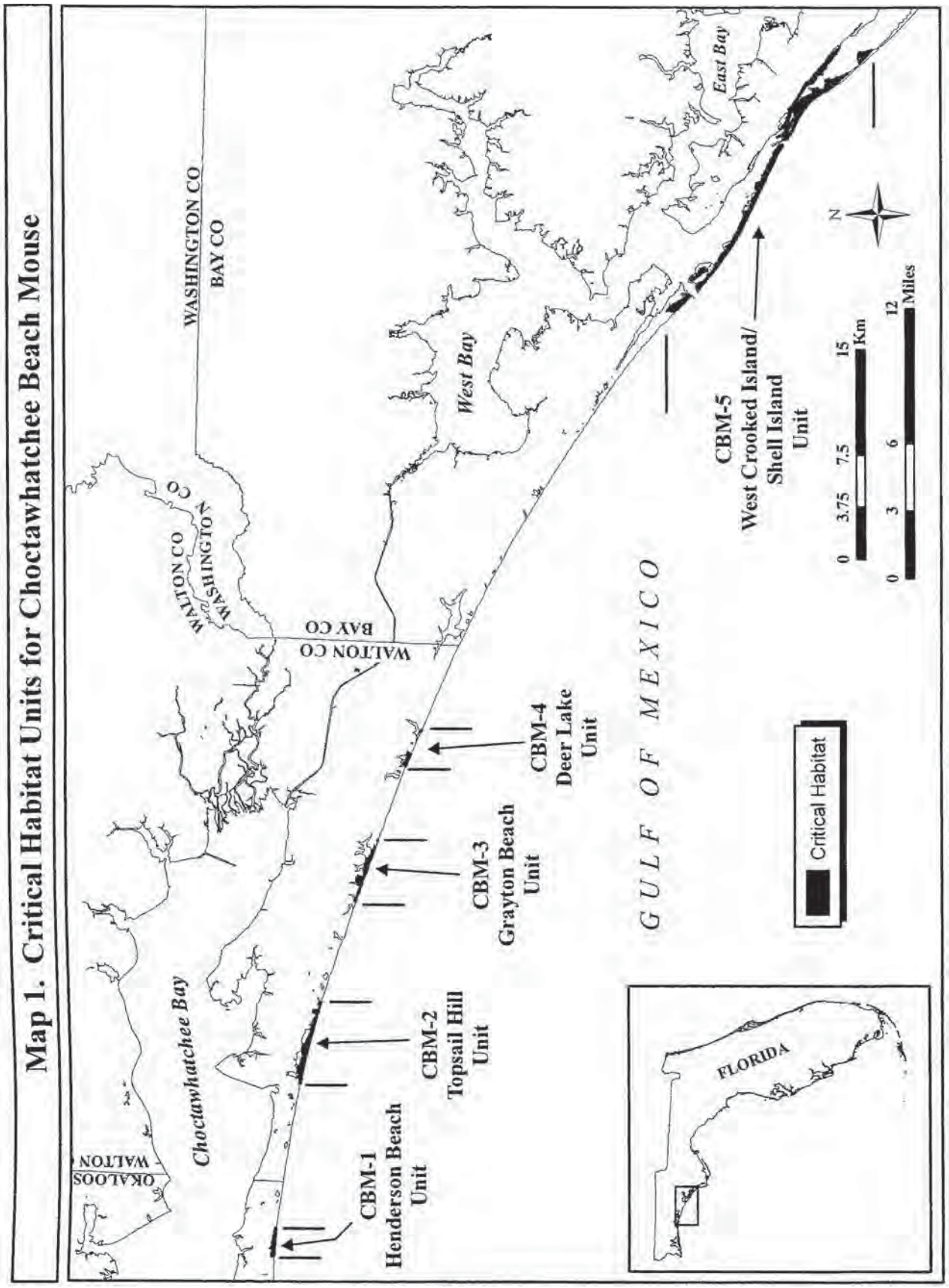
(3) Critical habitat does not include man-made structures existing on the effective date of this rule and not containing one or more of the primary constituent elements, such as buildings, aqueducts, airports, driveways, and roads, and the land on which such structures are located.

(4) *Critical Habitat Map Units.* Data layers defining map units were created by delineating habitats that contained one or more of the primary constituent elements defined in paragraph (2) of this entry over 1999 and 2004 digital ortho photography at a scale of at least 1:4000.

(5) Note: Map 1, Index Map of Critical Habitat Units for the Choctawhatchee beach mouse, follows:

BILLING CODE 4310–55–P

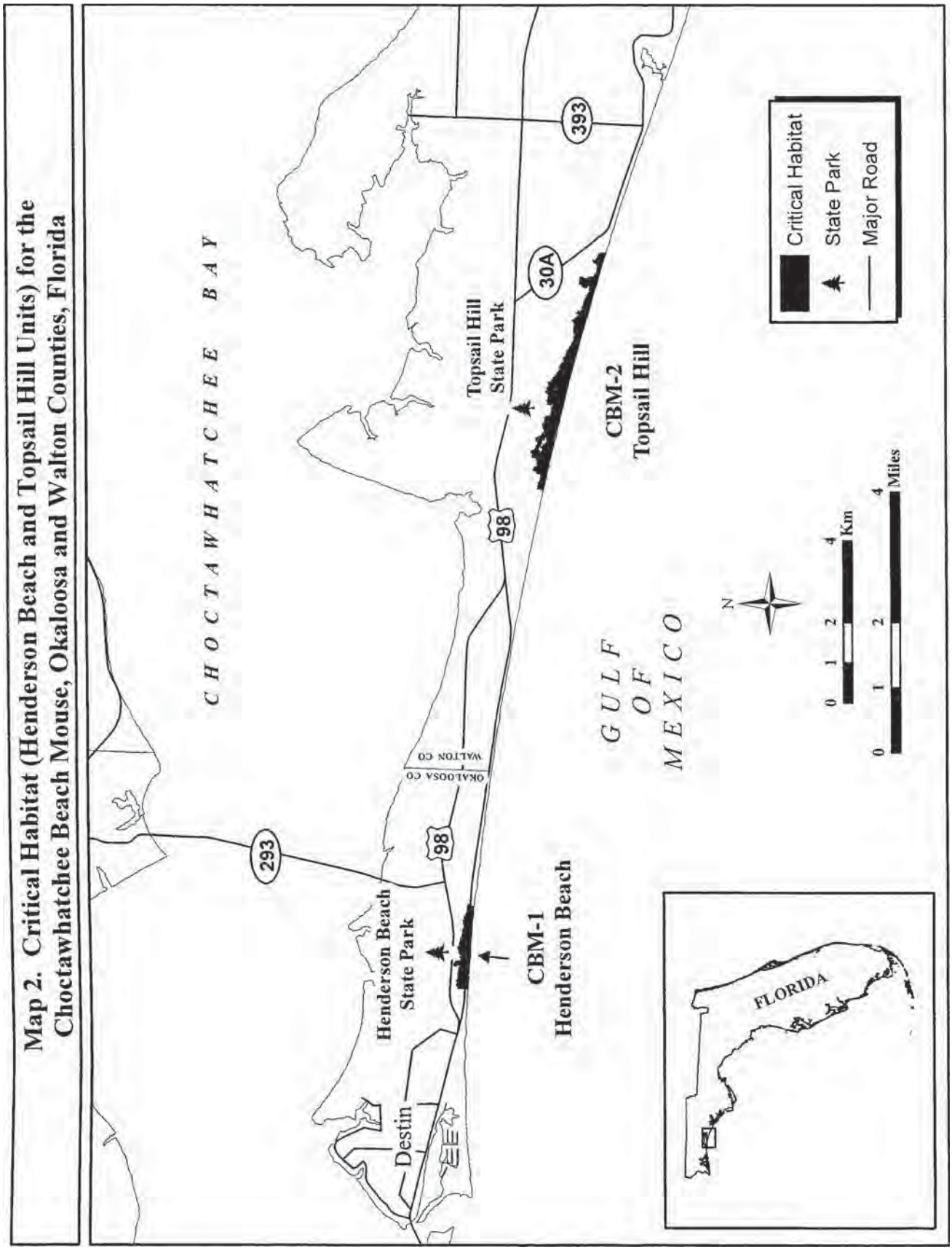
Choctawhatchee Beach Mouse
Critical Habitat Description



BILLING CODE 4310–55–C

(6) CBM—Unit 1: Henderson Beach Unit, Okaloosa County, Florida.

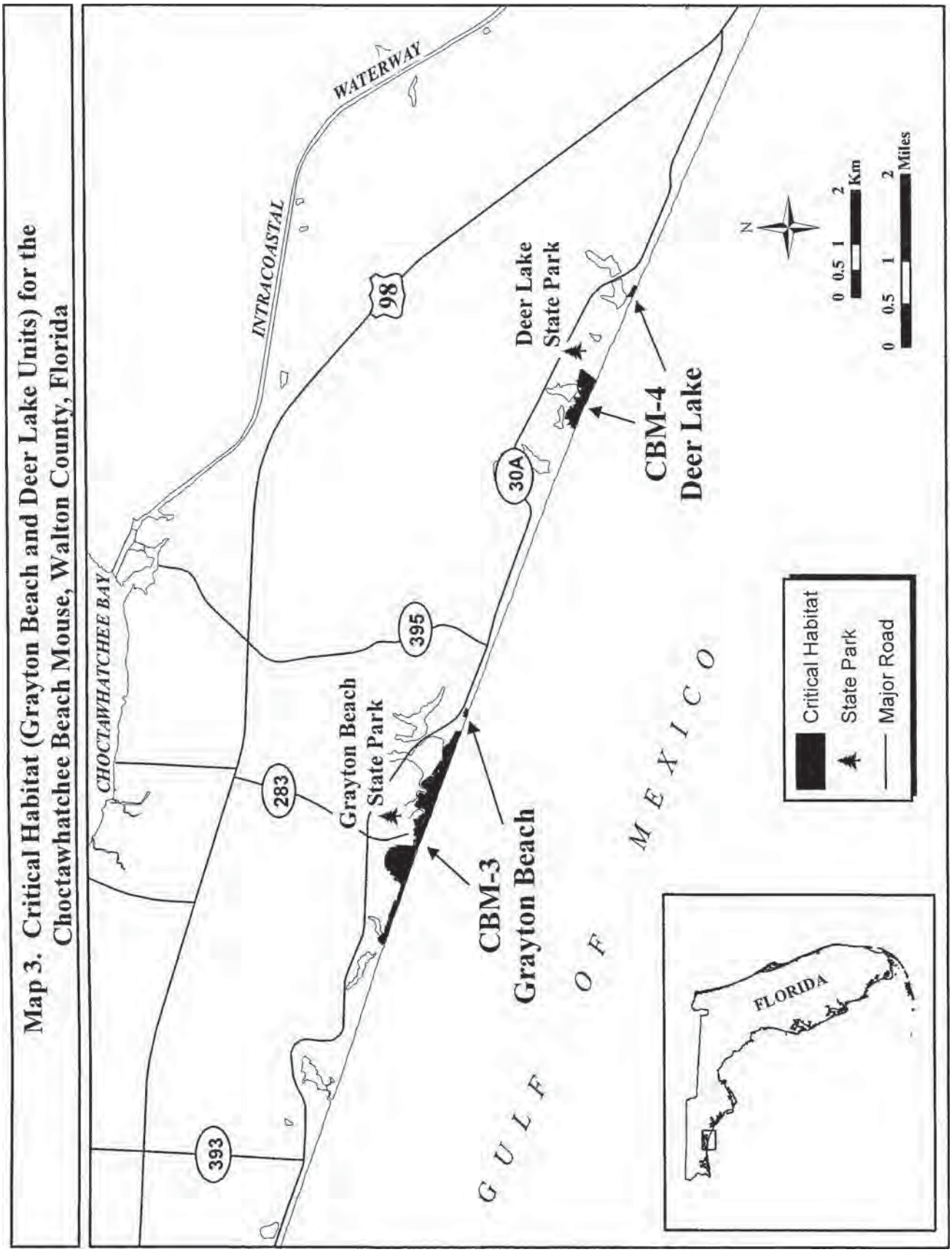
(i) *General Description:* This unit encompasses essential features of beach



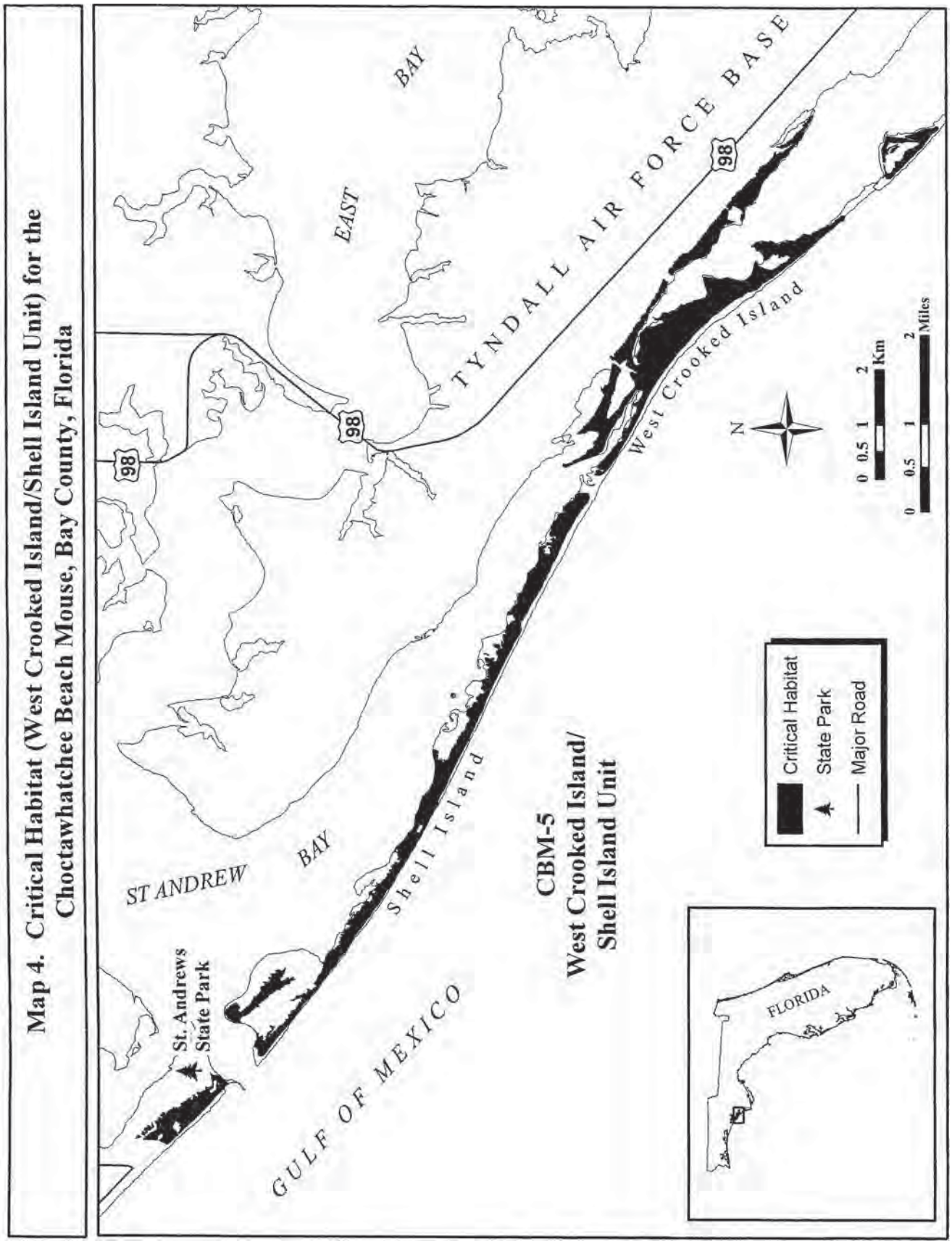
BILLING CODE 4310–55–C

(8) CBM—Unit 3: Grayton Beach Unit, Walton County, Florida.

(i) *General Description:* This unit encompasses essential features of beach



BILLING CODE 4310–55–C



BILLING CODE 4310–55–C

St Andrew Beach Mouse

Map shows County boundaries (downloaded from http://ecos.fws.gov)

St. Andrew Beach Mouse (*Peromyscus polionotus peninsularis*)

(1) Critical habitat units are depicted for Bay and Gulf Counties, Florida, on the maps below.

(2) The primary constituent elements of critical habitat for the St. Andrew beach mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that collectively provide foraging opportunities, cover, and burrow sites;

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators;

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge;

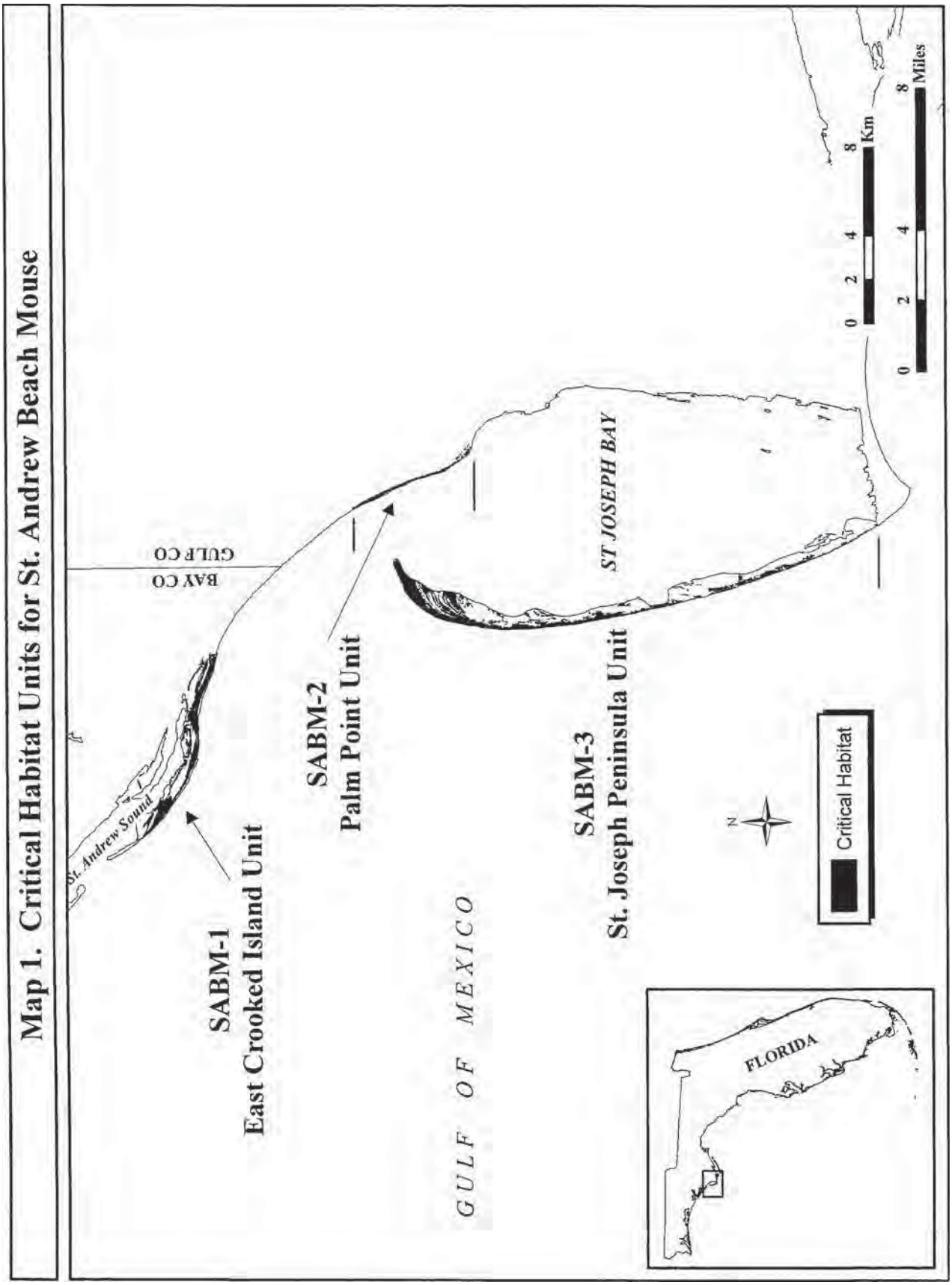
(iv) Functional, unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and re-colonization of locally extirpated areas; and

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

(3) Critical habitat does not include man-made structures existing on the effective date of this rule and not containing one or more of the primary constituent elements, such as buildings, aqueducts, airports, driveways, and roads, and the land on which such structures are located.

(4) *Critical Habitat Map Units.* Data layers defining map units were created by delineating habitats that contained one or more of the primary constituent elements defined in paragraph (2) of this entry over 1999 and 2004 digital ortho photography at a scale of at least 1:4000.

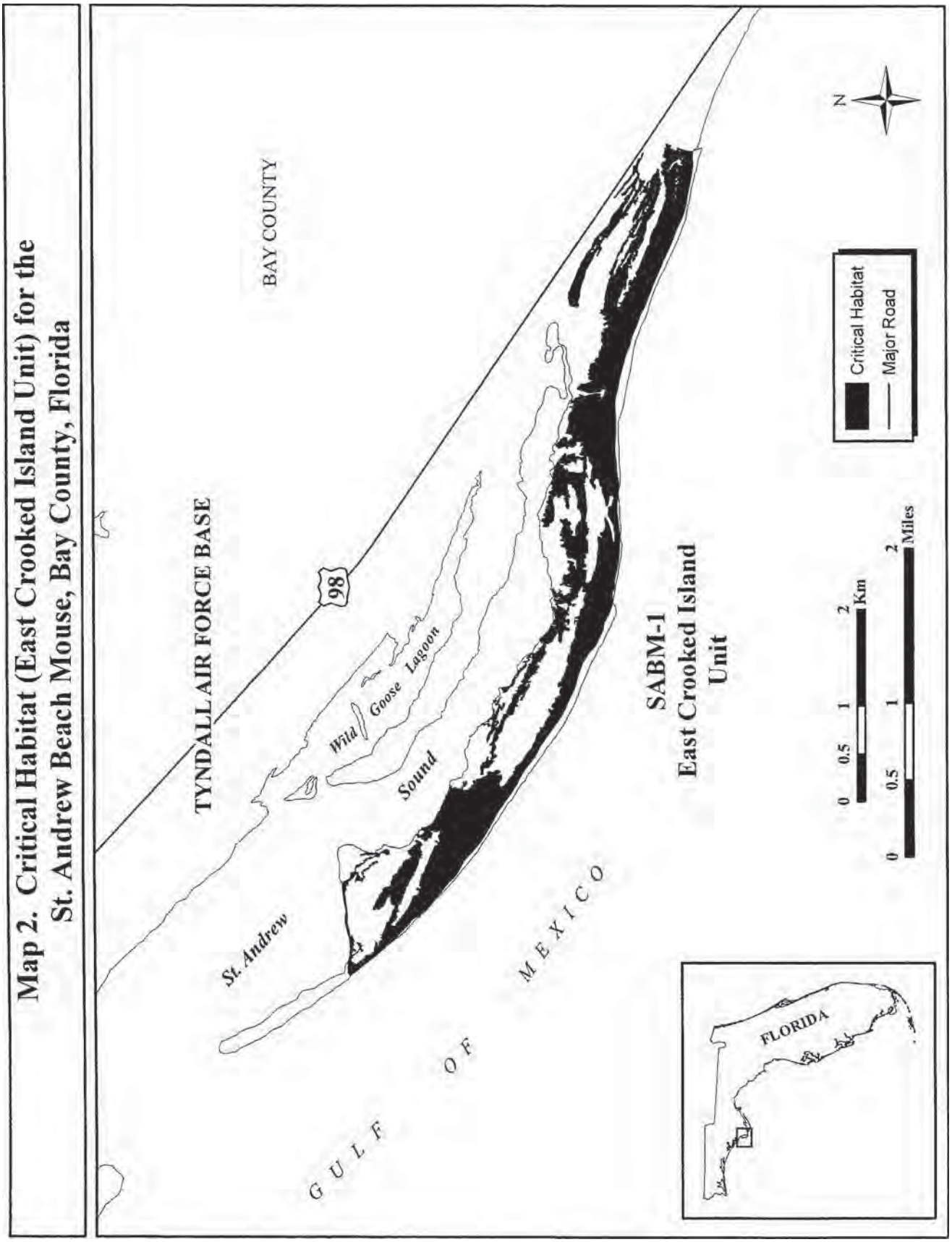
(5) Note: Map 1, Index Map of Critical Habitat Units for the St. Andrew beach mouse, follows:



BILLING CODE 4310–55–C

(6) SABM—Unit 1: East Crooked Island, Gulf County, Florida.

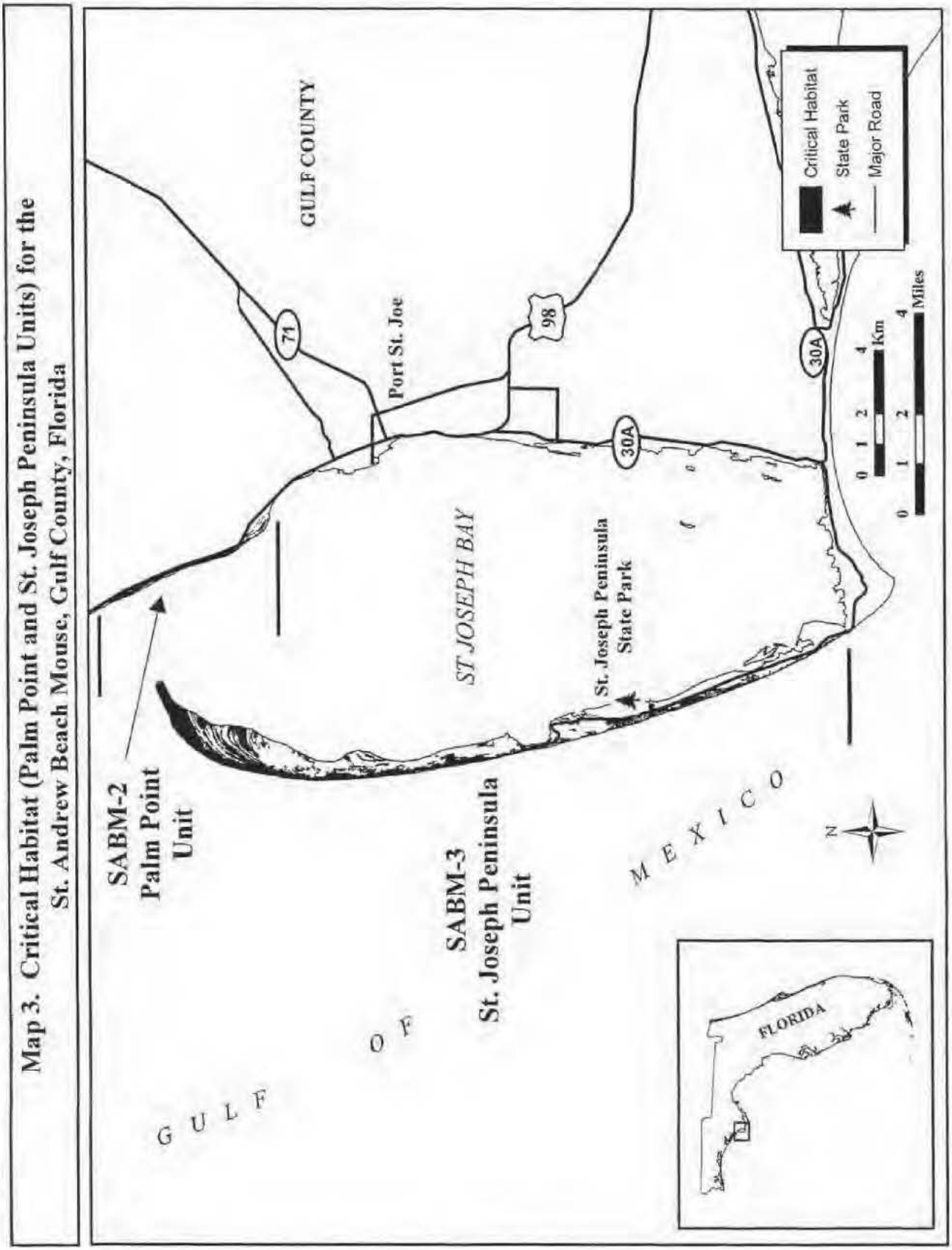
(i) *General Description:* This unit encompasses essential features of beach



BILLING CODE 4310–55–C

(7) SABM—Unit 2: Palm Point Unit, Gulf County, Florida.

(i) *General Description:* This unit encompasses habitat from Palm Point



Map 3. Critical Habitat (Palm Point and St. Joseph Peninsula Units) for the St. Andrew Beach Mouse, Gulf County, Florida

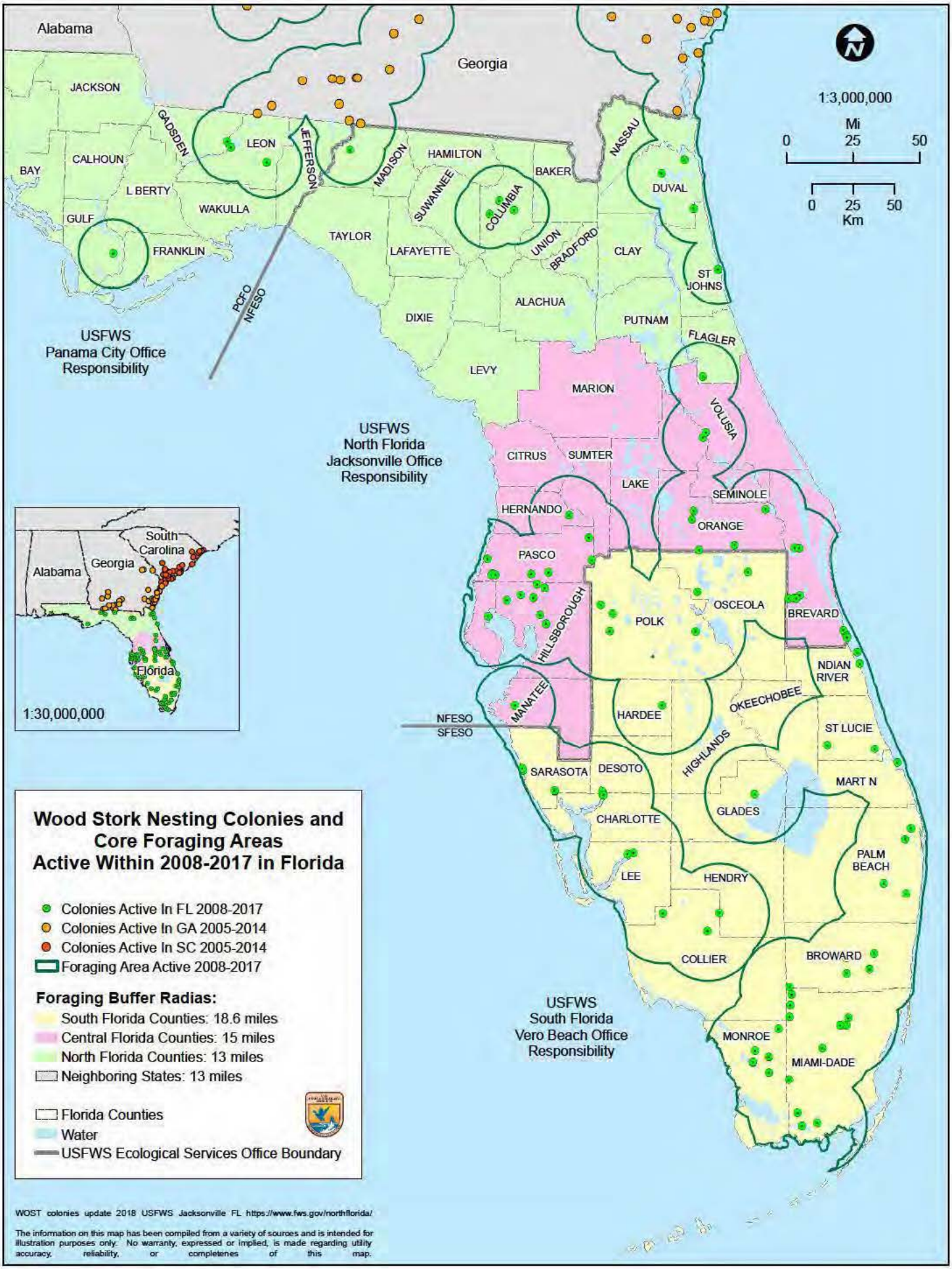
US Army Corps of Engineers®

Department of the Army Permit
State Programmatic General Permit
(SPGP VI-R1)

Attachment 14

Wood Stork Active Nesting Colony Map.

This map is periodically updated by the U.S. Fish and Wildlife Service. The most current map will be used.



WOST colonies update 2018 USFWS Jacksonville FL https://www.fws.gov/northflorida/

US Army Corps of Engineers®

Department of the Army Permit
State Programmatic General Permit
(SPGP VI-R1)

Attachment 15

Shipping Fairways.

patrol. When within a naval vessel protection zone, no vessel or person is allowed within 100 yards of a large U.S. naval vessel unless authorized by the Coast Guard, the senior naval officer present in command, or official patrol.

(e) To request authorization to operate within 100 yards of a large U.S. naval vessel, contact the Coast Guard, the senior naval officer present in command, or the official patrol on VHF-FM channel 16.

(f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a large U.S. naval vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(3) Permit commercial vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of passing large U.S. naval vessels; and

(4) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large U.S. naval vessel with minimal delay consistent with security.

NOTE TO PARAGRAPH (f): The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the Coast Guard, the senior naval officer present in command, or the official patrol.

[PAC AREA–02–001, 67 FR 38394, June 4, 2002]

PART 166—SHIPPING SAFETY FAIRWAYS

Subpart A—General

Sec.

Subpart B—Designations of Fairways and Fairway Anchorages

AUTHORITY: 33 U.S.C. 1223; 49 CFR 1.46.

Subpart A—General

§ 166.100 Purpose.

The purpose of these regulations is to establish and designate shipping safety fairways and fairway anchorages to provide unobstructed approaches for vessels using U.S. ports.

[CGD 81–80a, 48 FR 30110, June 30, 1983]

§ 166.103 Geographic coordinates.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86–082, 52 FR 33811, Sept. 8, 1987]

§ 166.105 Definitions.

(a) *Shipping safety fairway* or *fairway* means a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. Temporary underwater obstacles may be permitted under certain conditions described for specific areas in Subpart B. Aids to navigation approved by the U.S. Coast Guard may be established in a fairway.

(b) *Fairway anchorage* means an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted within certain spacing limitations, as described for specific areas in Subpart B.

[CGD 81–80a, 48 FR 30110, June 30, 1983]

§ 166.110 Modification of areas.

Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

[CGD 81–80a, 48 FR 30110, June 30, 1983]

Subpart B—Designations of Fairways and Fairway Anchorages

§ 166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.

(a) *Purpose.* Fairways and anchorage areas as described in this section are established to control the erection of structures therein to provide safe approaches through oil fields in the Gulf of Mexico to entrances to the major ports along the Gulf Coast.

(b) *Special Conditions for Fairways in the Gulf of Mexico.* Temporary anchors and attendant cables or chains attached to floating or semisubmersible drilling rigs outside a fairway may be placed within a fairway described in this section for the Gulf of Mexico, provided the following conditions are met:

(1) Anchors installed within fairways to stablize semisubmersible drilling rigs shall be allowed to remain 120 days. This period may be extended by the Army Corps of Engineers, as provided by § 209.135(b).

(2) Drilling rigs must be outside of any fairway boundary to whatever distance is necessary to ensure that the minimum depth of water over an anchor line within a fairway is 125 feet.

(3) No anchor buoys or floats or related rigging will be allowed on the surface of the water or to a depth of at least 125 feet from the surface, within a fairway.

(4) Aids to Navigation or danger markings must be installed as required by 33 CFR Subchapter C.

(c) *Special Conditions for Fairway Anchorages in the Gulf of Mexico.* Structures may be placed within an area designated as a fairway anchorage, but the number of structures will be limited by spacing as follows:

(1) The center of a structure to be erected shall not be less than two (2) nautical miles from the center of any existing structure.

(2) In a drilling or production complex, associated structures connected by walkways shall be considered one structure for purposes of spacing, and shall be as close together as practicable having due consideration for the safety factors involved.

(3) A vessel fixed in place by moorings and used in conjunction with the associated structures of a drilling or production complex, shall be considered an attendant vessel and the extent of the complex shall include the vessel and its moorings.

(4) When a drilling or production complex extends more than five hundred (500) yards from the center, a new structure shall not be erected closer than two (2) nautical miles from the outer limit of the complex.

(5) An underwater completion installation in an anchorage area shall be considered a structure and shall be marked with a lighted buoy approved by the United States Coast Guard under § 66.01.

(d) *Designated Areas*—(1) *Brazos Santiago Pass Safety Fairway.* The areas between rhumb lines joining points at:

Latitude North	Longitude West
26°03′27″	97°08′36″
26°02′57″	97°07′11″
26°02′06″	96°57′24″
25°58′54″	96°19′00″

and rhumb lines joining points at:

Latitude North	Longitude West
26°04′27″	97°08′36″
26°04′58″	97°07′07″
26°04′12″	96°59′30″
26°04′00″	96°57′24″
26°00′54″	96°19′00″

(2) *Brazos Santiago Pass Anchorage Areas.* The areas enclosed by rhumb lines joining points at:

Latitude North	Longitude West
26°02′57″	97°07′11″
26°02′06″	96°57′24″
25°58′54″	96°57′24″
25°58′54″	97°07′18″
26°02′57″	97°07′11″

and rhumb lines joining points at:

Latitude North	Longitude West
26°04′58″	97°07′07″
26°09′00″	97°07′00″
26°09′00″	96°59′30″
26°04′12″	96°59′30″
26°04′58″	97°07′07″

(3) *Port Mansfield Safety Fairway.* The area between a rhumb line joining points at:

Latitude North	Longitude West
26°33′39″	97°16′04″
26°33′43″	97°14′38″

and rhumb lines joining points at:

Latitude North	Longitude West
26°34′04″	97°16′05″
26°34′40″	97°15′47″
26°34′43″	97°14′40″

(4) *Aransas Pass Safety Fairway*. The area between rhumb lines joining points at:

Latitude North	Longitude West
27°49′21″	97°02′08″
27°48′11″	97°01′06″
27°46′26″	96°57′40″
27°45′14″	96°55′26″
27°44′09″	96°53′25″
27°42′47″	96°51′39″
27°39′24″	96°48′26″
27°21′59″	96°11′42″

and rhumb lines joining points at:

Latitude North	Longitude West
27°50′15″	97°01′32″
27°49′54″	96°59′56″
27°45′22″	96°51′19″
27°44′35″	96°48′31″
27°43′49″	96°45′47″
27°35′17″	96°27′46″
27°33′33″	96°24′06″
27°25′53″	96°07′56″

separated by areas enclosed by rhumb lines joining points at:

Latitude North	Longitude West
27°41′10″	96°47′23″
27°34′50″	96°34′01″
27°34′59″	96°31′56″
27°42′03″	96°46′51″
27°41′10″	96°47′23″

and rhumb lines joining points at:

Latitude North	Longitude West
27°33′06″	96°30′21″
27°23′33″	96°10′12″
27°24′19″	96°09′26″
27°33′15″	96°28′16″
27°33′06″	96°30′21″

(5) *Aransas Pass Anchorage Areas*. The areas enclosed by rhumb lines joining points at:

Latitude North	Longitude West
27°49′54″	96°59′56″
27°45′22″	96°51′19″
27°51′46″	96°40′12″
27°53′36″	96°56′30″
27°49′54″	96°59′56″

and rhumb lines joining points at:

Latitude North	Longitude West
27°45′14″	96°55′26″
27°43′00″	96°55′27″
27°44′09″	96°53′25″
27°45′14″	96°55′26″

(6) *Matagorda Entrance Safety Fairway*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
28°24′50″	96°19′38″
28°22′16″	96°17′40″
28°14′48″	96°09′42″
28°11′24″	96°06′06″
28°10′06″	96°04′42″
27°38′02″	95°49′39″

with rhumb lines joining points at:

Latitude North	Longitude West
28°25′31″	96°18′48″
28°23′38″	96°16′00″
28°16′12″	96°08′06″
28°12′30″	96°04′12″
28°11′13″	96°02′46″
27°38′12″	95°47′19″

(7) *Matagorda Entrance Anchorage Areas*. The areas enclosed by rhumb lines joining points at:

Latitude North	Longitude West
28°22′16″	96°17′40″
28°14′48″	96°09′42″
28°12′42″	96°12′12″
28°20′12″	96°20′12″
28°22′16″	96°17′40″

and rhumb lines joining points at:

Latitude North	Longitude West
28°23′38″	96°16′00″
28°25′36″	96°13′36″
28°18′12″	96°05′36″
28°16′12″	96°08′06″
28°23′38″	96°16′00″

(8) *Freeport Harbor Safety Fairway*. The area between rhumb lines joining points at:

Latitude North	Longitude West
28°55′19″	95°17′46″
28°52′58″	95°16′06″
28°44′52″	95°07′43″
28°43′32″	95°06′18″
28°04′48″	94°26′12″

and rhumb lines joining points at:

Latitude North	Longitude West
28°55′59″	95°16′55″
28°54′05″	95°14′10″

Latitude North	Longitude West
28°45′58″	95°5′48″
28°44′39″	95°04′22″
28°07′46″	94°26′12″

(9) *Freeport Harbor Anchorage Areas.* The areas enclosed by rhumb lines joining points at:

Latitude North	Longitude West
28°52′58″	95°16′06″
28°44′52″	95°07′43″
28°42′24″	95°12′00″
28°51′30″	95°18′42″
28°52′58″	95°16′06″

and rhumb lines joining points at:

Latitude North	Longitude West
28°54′05″	95°14′10″
28°56′54″	95°09′18″
28°47′42″	95°02′42″
28°45′58″	95°05′48″
28°54′05″	95°14′10″

(10) *Galveston Entrance Safety Fairways.* The areas between rhumb lines joining points at:

Latitude North	Longitude West
27°44′03″	94°26′12″
28°04′48″	94°26′12″
28°07′46″	94°26′12″
29°06′24″	94°26′12″
29°07′42″	94°27′48″
29°18′10″	94°39′16″
29°19′39″	94°41′33″
29°20′44″	94°40′44″
29°19′23″	94°37′08″
29°10′30″	94°22′54″
29°10′17″	94°22′30″
29°09′06″	94°20′36″
28°17′17″	92°57′59″

and rhumb lines joining points at:

Latitude North	Longitude West
27°44′13″	94°23′57″
29°06′24″	94°23′55″
29°07′41″	94°22′23″
28°11′57″	92°53′25″

(11) *Galveston Entrance Anchorage Areas.* The areas enclosed by rhumb lines joining points at:

Latitude North	Longitude West
29°18′10″	94°39′16″
29°08′04″	94°28′12″
29°03′13″	94°36′48″
29°14′48″	94°45′12″
29°18′10″	94°39′16″

and rhumb lines joining points at:

Latitude North	Longitude West
29°19′23″	94°37′08″
29°22′18″	94°32′00″
29°14′23″	94°25′53″
29°13′24″	94°27′33″
29°19′23″	94°37′08″

(12) *Sabine Pass Safety Fairway.* The areas between rhumb lines joining points at:

Latitude North	Longitude West
29°38′25″	93°50′02″
29°35′19″	93°49′10″
29°33′00″	93°46′26″
29°32′03″	93°46′44″
29°30′39″	93°43′41″
29°28′30″	93°41′09″
29°07′28″	93°41′08″
28°17′17″	92°57′59″
28°11′57″	92°53′25″
27°51′58″	92°36′20″

and rhumb lines joining points at:

Latitude North	Longitude West
29°38′48″	93°48′59″
29°37′32″	93°48′02″
29°36′28″	93°47′14″
29°32′52″	93°43′00″
29°31′13″	93°41′04″
29°29′20″	93°38′51″
29°08′08″	93°38′52″
28°39′02″	93°13′39″
28°36′15″	93°11′15″
27°52′09″	92°33′40″

(13) *Sabine Pass Anchorage Areas*—(i) *Sabine Pass Inshore Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
29°37′32″	93°48′02″
29°37′32″	93°21′25″
29°32′52″	93°43′00″
29°36′28″	93°47′14″

(ii) *Sabine Bank Offshore (North) Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
29°26′06″	93°43′00″
29°26′06″	93°41′08″
29°24′06″	93°41′08″
29°24′06″	93°43′00″

(iii) *Sabine Bank Offshore (South) Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
29°16′55″	93°43′00″
29°16′55″	93°41′08″

Latitude North	Longitude West
29°14′29″	93°41′08″
29°14′29″	93°43′00″

(iv) *Sabine Bank Offshore (East) Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
29°26′06″	93°38′52″
29°26′06″	93°37′00″
29°24′06″	93°37′00″
29°24′06″	93°38′52″

(14) *Coastwise Safety Fairways*—(i) *Brazos Santiago Pass to Aransas Pass.* The areas between rhumb lines joining points at:

Latitude North	Longitude West
26°04′12″	96°59′30″
26°09′00″	96°59′30″
27°46′26″	96°57′40″

and rhumb lines joining points at:

Latitude North	Longitude West
25°58′54″	96°57′24″
26°02′06″	96°57′24″
26°04′00″	96°57′24″
27°40′36″	96°55′30″
27°43′00″	96°55′27″
27°45′14″	96°55′26″

(ii) *Aransas Pass to Calcasieu Pass.* The areas between rhumb lines joining points at:

Latitude North	Longitude West
27°43′00″	96°55′27″
27°44′09″	96°53′25″
27°45′22″	96°51′19″
27°51′46″	96°40′12″
28°11′24″	96°06′06″
28°12′30″	96°04′12″
28°42′24″	95°12′00″
28°44′52″	95°07′43″
28°45′58″	95°05′48″
28°47′42″	95°02′42″
29°07′42″	94°27′48″
29°10′17″	94°22′30″
29°29′30″	93°58′24″
29°32′03″	93°46′44″
29°33′00″	93°46′26″
29°32′52″	93°43′00″
29°37′32″	93°21′25″

with rhumb lines joining points at:

Latitude North	Longitude West
27°40′36″	96°55′30″
27°42′47″	96°51′39″
27°44′35″	96°48′31″
28°10′06″	96°04′42″
28°11′13″	96°02′46″
28°43′32″	95°06′18″
28°44′39″	95°04′22″
29°06′24″	94°26′12″
29°06′24″	94°23′55″
29°07′41″	94°22′23″
29°09′06″	94°20′36″
29°27′40″	93°57′18″
29°30′39″	93°43′41″
29°31′13″	93°41′04″
29°33′56″	93°28′35″
29°32′57″	93°17′00″

(15) *Calcasieu Pass Safety Fairway.* The areas between rhumb lines joining points at:

Latitude North	Longitude West
29°45′00″	93°20′58″
29°40′56″	93°20′18″
29°38′18″	93°20′42″
29°37′32″	93°21′25″
29°32′57″	93°17′00″
29°31′08″	93°14′38″
28°39′02″	93°13′39″

and rhumb lines joining points at:

Latitude North	Longitude West
29°45′05″	93°20′03″
29°41′12″	93°19′37″
29°37′30″	93°18′15″
29°31′16″	93°12′16″
28°36′15″	93°11′15″

(16) *Calcasieu Pass Anchorage Areas*—(i) *Calcasieu Pass North Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
29°41′12″	93°19′37″
29°41′12″	93°12′28″
29°31′16″	93°12′16″
29°37′30″	93°18′15″

(ii) *Calcasieu Pass South Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
28°59′30″	93°16′30″
28°59′30″	93°14′00″
28°56′00″	93°14′00″
28°56′00″	93°16′30″

(17) *Lower Mud Lake Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
29°43′24″	93°00′18″
29°42′00″	93°00′18″

and rhumb lines joining points at:

Latitude North	Longitude West
29°43′33″	93°00′48″
29°42′00″	93°00′48″

(18) *Freshwater Bayou Safety Fairway*. The area between lines joining points at:

Latitude North	Longitude West
29°31′59″	92°18′45″
29°31′10″	92°18′54″
29°31′13″	92°19′14″
29°27′44″	92°19′53″

and a line joining points at:

Latitude North	Longitude West
29°27′34″	92°18′45″
29°31′03″	92°18′06″
29°31′06″	92°18′26″
29°31′55″	92°18′17″

(19) *Southwest Pass Safety Fairway*. The area between lines joining points at:

Latitude North	Longitude West
29°34′48″	92°03′12″
29°30′48″	92°07′00″
29°23′30″	92°08′24″

and lines joining points at:

Latitude North	Longitude West
29°34′24″	92°02′24″
29°30′24″	92°06′12″
29°23′24″	92°07′30″

(20) *Atchafalaya Pass Safety Fairway*. The area between a line joining points at:

Latitude North	Longitude West
29°22′36″	91°23′28″
29°14′42″	91°30′28″

and a line joining points at:

Latitude North	Longitude West
29°14′05″	91°29′34″
29°21′59″	91°22′34″

(21) *Bayou Grand Caillou Safety Fairway*. The area between a line joining points at:

Latitude North	Longitude West
29°10′59″	90°57′26″
29°05′24″	90°58′10″
29°01′08″	91°00′44″

and a line joining points at:

Latitude North	Longitude West
29°00′40″	90°59′43″
29°05′06″	90°57′03″
29°09′46″	90°56′27″

(22) *Cat Island Pass Safety Fairway*. The area between lines joining points at:

Latitude North	Longitude West
29°05′57″	90°34′32″
29°04′56″	90°35′09″
29°03′14″	90°35′10″
29°03′14″	90°35′17″
29°01′24″	90°34′55″

and lines joining points at:

Latitude North	Longitude West
29°06′00″	90°34′21″
29°05′31″	90°34′12″
29°03′13″	90°34′13″
29°03′13″	90°34′07″
29°01′34″	90°33′47″

(23) *Belle Pass Safety Fairway*. The area between a line joining points at:

Latitude North	Longitude West
29°05′06″	90°14′07″
29°02′50″	90°14′46″

and a line joining points at:

Latitude North	Longitude West
29°02′56″	90°13′48″
29°05′06″	90°13′10″

(24) *Barataria Pass Safety Fairway*. The area between a line joining points at:

Latitude North	Longitude West
29°16′00″	89°57′00″
29°14′54″	89°55′48″

and a line joining points at:

Latitude North	Longitude West
29°16′30″	89°56′06″
29°15′18″	89°55′00″

(25) *Grand Bayou Pass Safety Fairway*. The areas between a line joining points at:

Latitude North	Longitude West
29°17′36″	89°41′36″
29°16′48″	89°42′12″

and a line joining points at:

Latitude North	Longitude West
29°17′18″	89°40′36″
29°16′18″	89°41′18″

(26) *Empire to the Gulf Safety Fairway*. The area between a line joining points at:

Latitude North	Longitude West
29°15′22″	89°36′55″
29°13′52″	89°37′15″

and a line joining points at:

Latitude North	Longitude West
29°13′24″	89°36′11″
29°14′54″	89°35′51″

(27) *Gulf Safety Fairway. Aransas Pass Safety Fairway to Southwest Pass Safety Fairway*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
27°33′06″	96°30′21″
27°33′15″	96°28′16″
27°33′33″	96°24′06″
28°00′36″	90°08′18″

and rhumb lines joining points at:

Latitude North	Longitude West
27°34′50″	96°34′01″
27°34′59″	96°31′56″
27°35′17″	96°27′46″
27°38′02″	95°49′39″
27°38′12″	95°47′19″
27°44′03″	94°26′12″
27°44′13″	94°23′57″
27°51′58″	92°36′20″
27°52′09″	92°33′40″
28°02′32″	90°09′28″

(28) *Southwest Pass (Mississippi River) Safety Fairway*—(i) *Southwest Pass (Mississippi River) to Gulf Safety Fairway*. The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
28°54′33″	89°26′07″
28°52′42″	89°27′06″
28°50′00″	89°27′06″
28°02′32″	90°09′28″

and rhumb lines joining points at:

Latitude North	Longitude West
28°54′18″	89°25′46″
28°53′30″	89°25′18″
28°53′30″	89°23′48″
28°50′40″	89°24′48″
28°48′48″	89°24′48″
28°47′24″	89°26′30″
28°00′36″	90°08′18″

(ii) *Southwest Pass (Mississippi River) to Sea Safety Fairway*. The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
28°54′33″	89°26′07″
28°52′42″	89°27′06″
28°50′00″	89°27′06″
28°47′24″	89°26′30″
28°36′28″	89°18′45″

and rhumb lines joining points at:

Latitude North	Longitude West
28°54′18″	89°25′46″
28°53′30″	89°25′18″
28°53′30″	89°23′48″
28°50′40″	89°24′48″
28°48′48″	89°24′48″
28°45′06″	89°22′12″
28°43′27″	89°21′01″
28°37′54″	89°17′06″

(iii) *Southwest Pass (Mississippi River) to South Pass (Mississippi River) Safety Fairway*. The areas between rhumb line joining points at:

Latitude North	Longitude West
28°45′06″	89°22′12″
28°55′56″	89°03′09″

and rhumb lines joining points at:

Latitude North	Longitude West
28°43′27″	89°21′01″
28°54′55″	89°00′44″

(29) *Southwest Pass (Mississippi River) Anchorage*. The area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
28°53′30″	89°23′48″
28°53′30″	89°21′48″
28°55′06″	89°21′48″
28°55′06″	89°19′18″
28°52′41″	89°17′30″
28°50′40″	89°21′14″
28°50′40″	89°24′48″

(30) *South Pass (Mississippi River) Safety Fairway*—(i) *South Pass to Sea Safety Fairway*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
28°59′18″	89°08′30″
28°58′42″	89°07′30″
28°58′09″	89°08′30″
28°55′56″	89°03′09″
28°54′55″	89°00′44″
28°54′15″	88°59′00″

and rhumb lines joining points at:

Latitude North	Longitude West
East jetty light:	
28°59′24″	89°08′12″
29°00′09″	89°07′24″
29°00′00″	89°07′00″
28°57′56″	89°02′18″
28°57′18″	89°00′48″
28°56′16″	88°58′29″
28°55′42″	88°57′06″

(ii) *South Pass (Mississippi River) to Mississippi River-Gulf Outlet Channel Safety Fairway*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
28°57′18″	89°00′48″
29°04′18″	88°48′31″
29°24′35″	88°57′17″

and rhumb lines joining points at:

Latitude North	Longitude West
28°56′16″	88°58′29″
29°03′30″	88°45′42″
29°23′06″	88°54′11″
29°26′28″	88°55′39″

(31) *South Pass (Mississippi River) Anchorage*. The areas within rhumb lines joining points at:

Latitude North	Longitude West
29°00′00″	89°07′00″
29°03′36″	89°02′18″
28°57′56″	89°02′18″

(32) *Mississippi River-Gulf Outlet Safety Fairway*. (i) The areas between rhumb lines joining points at:

Latitude North	Longitude West
29°42′10″	89°25′49″
29°29′33″	89°07′47″
29°27′14″	89°03′20″
29°24′38″	89°00′00″
29°24′35″	88°57′17″

and rhumb lines joining points at:

Latitude North	Longitude West
29°42′29″	89°25′31″
29°29′53″	89°07′31″
29°27′01″	89°01′54″
29°26′38″	88°58′43″

(ii) *Mississippi River-Gulf Outlet Channel to Mobile Ship Channel Safety Fairway*. The areas within rhumb lines joining points at:

Latitude North	Longitude West
29°26′38″	88°58′43″
29°29′57″	88°54′48″
29°38′59″	88°44′04″
29°56′43″	88°20′50″
29°58′03″	88°19′05″
30°05′29″	88°09′19″

and rhumb lines joining points at:

Latitude North	Longitude West
29°26′28″	88°55′39″
29°27′54″	88°53′54″
29°37′32″	88°42′28″
29°55′14″	88°19′15″
29°56′34″	88°17′30″
30°03′50″	88°08′01″
30°05′15″	88°06′05″

(33) *Mississippi River-Gulf Outlet Anchorage*. (i) The areas within rhumb lines joining points at:

Latitude North	Longitude West
29°27′01″	89°01′54″
29°32′12″	88°55′42″
29°29′57″	88°54′48″
29°26′38″	88°58′43″

(ii) The areas within rhumb lines joining points at:

Latitude North	Longitude West
29°26′28″	88°55′39″
29°27′54″	88°53′54″
29°24′33″	88°52′27″
29°23′06″	88°54′11″

(34) *Gulfport Safety Fairway*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
30°20′54″	89°05′36″
30°13′56″	88°59′42″
30°11′09″	88°59′56″
30°06′45″	88°56′24″
30°05′42″	88°56′24″

and rhumb lines joining points at:

Latitude North	Longitude West
30°21′27″	89°04′38″
30°14′11″	88°58′29″
30°11′29″	88°58′45″

Latitude North	Longitude West
30°07′42″	88°55′37″

(35) *Biloxi Safety Fairway*. The area between lines joining points at:

Latitude North	Longitude West
30°24′06″	88°50′57″
30°23′15″	88°50′22″
30°21′11″	88°47′36″
30°20′13″	88°47′04″
30°15′06″	88°47′06″
30°13′09″	88°47′46″
30°12′23″	88°49′02″

and lines joining points at:

Latitude North	Longitude West
30°24′27″	88°50′31″
30°23′57″	88°49′31″
30°21′42″	88°46′36″
30°20′25″	88°45′55″
30°14′57″	88°45′57″
30°12′56″	88°46′39″
30°12′00″	88°45′25″

(36) *Ship Island Pass to Horn Island Pass Safety Fairway*. The areas between rhumb line joining points at:

Latitude North	Longitude West
30°05′42″	88°56′24″
30°06′38″	88°31′26″

and rhumb line joining points at:

Latitude North	Longitude West
30°07′42″	88°55′37″
30°08′27″	88°36′57″

(37) *Pascagoula Safety Fairway*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
30°20′46″	88°34′39″
30°20′21″	88°34′39″
30°17′00″	88°31′21″
30°12′59″	88°30′53″
30°11′50″	88°32′05″
30°08′27″	88°36′57″
30°06′38″	88°31′26″
29°56′43″	88°20′50″
29°55′14″	88°19′15″
29°20′00″	87°41′47″

and rhumb line joining points at:

Latitude North	Longitude West
30°20′30″	88°33′18″
30°18′39″	88°31′25″

and rhumb line joining points at:

Latitude North	Longitude West
30°20′26″	188°31′25″
30°18′39″	188°31′25″

and rhumb lines joining points at:

Latitude North	Longitude West
30°19′21″	88°30′12″
30°17′25″	88°30′12″
30°12′46″	88°29′42″
30°11′21″	88°31′00″
30°09′33″	88°29′48″
30°07′30″	88°29′09″
29°58′03″	88°19′05″
29°56′34″	88°17′30″
29°20′48″	87°39′31″

(38) *Horn Island Pass to Mobile Ship Channel Safety Fairway*. The areas between rhumb line joining points at:

Latitude North	Longitude West
30°09′33″	88°29′48″
30°07′15″	88°06′54″

and rhumb line joining points at:

Latitude North	Longitude West
30°07′30″	88°29′09″
30°05′29″	88°09′19″

(39) *Mobile Safety Fairway*—(i) *Mobile Ship Channel Safety Fairway*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
30°38′46″	88°03′24″
30°38′14″	88°02′42″
30°31′59″	88°02′00″
30°31′59″	88°04′59″

and rhumb lines joining points at:

Latitude North	Longitude West
30°31′00″	88°05′30″
30°31′00″	88°01′54″
30°26′55″	88°01′26″
30°16′35″	88°02′45″
30°14′09″	88°03′24″
30°10′36″	88°03′53″
30°08′10″	88°04′40″
30°07′15″	88°06′54″

and rhumb lines joining points at:

Latitude North	Longitude West
30°39′55″	88°01′15″
30°37′06″	88°01′23″
30°26′11″	88°00′11″
30°16′18″	88°01′35″
30°13′52″	88°01′12″
30°13′14″	88°01′12″
30°10′36″	88°01′35″
30°08′04″	88°00′36″

(ii) *Mobile Ship Channel to Sea Safety Fairway*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
30°05′15″	88°01′13″
30°03′50″	88°00′00″
29°25′46″	87°29′13″

and rhumb line joining points at:

Latitude North	Longitude West
30°06′17″	87°59′15″
29°27′00″	87°27′18″

(iii) *Mobile to Pensacola Safety Fairway*. The areas between rhumb line joining points at:

Latitude North	Longitude West
30°08′04″	88°00′36″
30°14′20″	87°19′05″

and rhumb line joining points at:

Latitude North	Longitude West
30°06′17″	87°59′15″
30°12′31″	87°18′00″

(40) *Mobile Anchorage*. The areas within rhumb lines joining points at:

Latitude North	Longitude West
30°05′15″	88°06′05″
30°05′15″	88°01′13″
30°03′50″	88°00′00″
30°03′50″	88°08′01″

(41) *Pensacola Safety Fairway*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
30°23′41″	87°14′34″
30°23′06″	87°13′53″
30°22′54″	87°13′53″
30°20′47″	87°15′45″

and rhumb lines joining points at:

Latitude North	Longitude West
30°18′43″	87°19′24″
30°15′57″	87°18′19″
30°14′20″	87°19′05″
30°12′31″	87°18′00″
30°10′03″	87°18′00″
29°37′00″	87°18′00″

and rhumb lines joining points at:

Latitude North	Longitude West
30°26′27″	87°08′28″
30°25′35″	87°10′30″

and rhumb lines joining points at:

Latitude North	Longitude West
30°24′36″	87°07′07″
30°22′57″	87°09′38″
30°22′36″	87°11′50″
30°19′21″	87°14′46″
30°19′52″	87°17′31″

and rhumb lines joining points at:

Latitude North	Longitude West
30°19′15″	87°17′37″
30°16′28″	87°16′32″
30°14′32″	87°16′06″
30°12′33″	87°15′43″
29°42′30″	87°15′43″

(42) *Pensacola Anchorage*. (i) The area within rhumb lines joining points at:

Latitude North	Longitude West
30°11′49″	87°22′41″
30°12′31″	87°18′00″
30°10′03″	87°18′00″
30°09′21″	87°22′41″

(ii) The area within rhumb lines joining points at:

Latitude North	Longitude West
30°16′28″	87°16′32″
30°17′14″	87°11′52″
30°15′14″	87°11′52″
30°14′32″	87°16′06″

(43) *Pensacola to Panama City Safety Fairway*. The area between rhumb lines joining points at:

Latitude North	Longitude West
30°14′32″	87°16′06″
30°15′14″	87°11′52″
30°18′45″	86°50′00″
30°18′00″	86°20′00″
29°51′30″	85°47′33″

and rhumb lines joining points at:

Latitude West	Longitude West
30°12′33″	87°15′43″
30°16′44″	86°49′49″
30°16′01″	86°20′57″
29°48′45″	85°47′33″

(44) *Panama City Safety Fairways*. The areas between rhumb lines joining points at:

Latitude North	Longitude West
30°09′24″	85°40′12″
30°09′21″	85°41′40″
30°07′36″	85°44′20″
30°06′32″	85°47′33″
29°51′30″	85°47′33″
29°48′45″	85°47′33″
29°03′30″	85°47′33″

and rhumb lines joining points at:

Latitude North	Longitude West
30°08′34″	85°40′16″
30°07′55″	85°41′50″
30°06′49″	85°43′28″
30°04′40″	85°45′15″
29°55′27″	85°45′15″
29°51′20″	85°45′15″
29°49′19″	85°45′15″
29°00′00″	85°45′15″

(45) *Panama City Anchorage*. The area within rhumb lines joining points at:

Latitude North	Longitude West
29°55′27″	85°45′15″
29°55′27″	85°42′25″
29°51′39″	85°42′25″
29°51′20″	85°45′15″

(46) *Port St. Joe Fairway to Panama City Fairway*. The area between rhumb lines joining points at:

Latitude North	Longitude West
29°49′54″	85°19′24″
29°50′59″	85°22′25″
29°53′32″	85°22′25″
29°54′12″	85°24′00″
29°54′12″	85°25′55″
29°52′58″	85°28′43″
29°53′00″	85°29′48″
29°51′39″	85°42′25″
29°51′20″	85°45′15″

and rhumb lines joining points at:

Latitude North	Longitude West
29°48′22″	85°18′12″
29°47′21″	85°21′00″
29°50′42″	85°23′31″
29°52′51″	85°23′36″
29°53′10″	85°24′18″
29°53′10″	85°25′33″
29°51′57″	85°28′19″
29°51′04″	85°29′00″
29°50′40″	85°32′39″
29°49′19″	85°45′15″

(47) *Port St. Joe Anchorage*. The area within rhumb lines joining points at:

Latitude North	Longitude West
29°50′40″	85°32′39″
29°51′04″	85°29′00″
29°49′18″	85°30′18″

(48) *Tampa Safety Fairways*. The area between rhumb lines joining points at:

Latitude North	Longitude West
27°37′48″	82°45′54″
27°36′48″	82°55′54″
27°36′48″	83°00′00″
27°36′48″	84°39′10″

and rhumb lines joining points at:

Latitude North	Longitude West
27°35′54″	82°45′42″
27°34′48″	82°55′54″
27°34′48″	83°00′00″
27°34′48″	84°39′00″

(49) *Tampa Anchorages*—(i) *Eastern Tampa Fairway Anchorage*. The area enclosed by rhumb lines [North American Datum of 1927 (NAD–27)] joining points at:

Latitude North	Longitude West
27°36′48″	83°00′00″
27°39′00″	83°00′00″
27°39′00″	82°55′54″
27°36′48″	82°55′54″

(ii) *Western Tampa Fairway Anchorage*. The area enclosed by rhumb lines [North American Datum of 1927 (NAD–27)] joining points at:

Latitude North	Longitude West
27°36′48″	83°05′06″
27°39′00″	83°05′06″
27°39′00″	83°01′00″
27°36′48″	83°01′00″

(50) *Charlotte Safety Fairways*. The area between rhumb lines joining points at:

Latitude North	Longitude West
26°41′18″	82°19′00″
25°30′00″	84°22′00″

and rhumb lines joining points at:

Latitude North	Longitude West
26°40′19″	82°18′28″
26°38′30″	82°19′54″
26°39′00″	82°19′00″
25°28′00″	84°21′30″

(51) *Charlotte Anchorage*. The area within rhumb lines joining points at:

Latitude North	Longitude West
26°39′00″	82°19′00″
26°38′12″	82°18′24″
26°37′36″	82°19′18″

Latitude North	Longitude West
26°38′30″	82°19′54″

(52) *Louisiana Offshore Oil Port (LOOP) Shipping Safety Fairway to Safety Zone*—(i) *North of Gulf Safety Fairway*. The two mile wide area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
28°48′36″	89°55′00″
28°48′14″	89°54′17″
28°45′47″	89°54′19″
28°36′06″	89°55′44″
28°18′30″	89°55′15″
28°20′58″	89°53′03″
28°36′09″	89°53′28″
28°49′07″	89°51′30″
28°50′20″	89°53′51″

(ii) *South of Gulf Safety Fairway*. The two-mile-wide area enclosed by rhumb lines joining points at:

Latitude North	Longitude West
28°15′20″	89°55′10″
27°46′29″	89°54′23″
27°46′32″	89°52′08″
28°17′48″	89°52′58″

(53) *Heald Bank Cutoff Safety Fairway*. The area enclosed by rhumb lines [North American Datum of 1927 (NAD–27)], joining points at:

Latitude North	Longitude West
28°57′15″	94°23′55″
28°51′30″	93°56′30″
28°48′30″	93°51′45″
28°55′15″	94°23′55″

[CGD 81–040, 47 FR 20581, May 13, 1982]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 166.200, see the List of CFR Sections Affected, which appears in the printed volume and at www.fdsys.gov.

§ 166.300 Areas along the coast of California.

(a) *Purpose*. Fairways as described in this section are established to control the erection of structures therein to provide safe vessel routes along the coast of California.

(b) *Designated Areas*—(1) *Port Hueneme Safety Fairway*. An area one nautical mile in width centered on the alinement of Port Hueneme Entrance Channel and extending seaward from the 30-foot-depth curve for a distance of 1.5 nautical miles, thence turning southerly and widening to 1.5 nautical miles at the 3-mile limit, all between lines joining the following points:

Latitude	Longitude
34°06′30″ N	119°15′00″ W
34°07′37″ N	119°14′25″ W
34°08′49″ N	119°13′21″ W

thence generally along the 30-foot-depth curve to the seaward end of the west entrance jetty; seaward end of the east entrance jetty, thence generally along the 30-foot-depth curve to:

Latitude	Longitude
34°08′21″ N	119°12′15″ W
34°07′10″ N	119°13′20″ W
34°05′48″ N	119°13′23″ W

(2) [Reserved]

[CGD 82–101, 48 FR 49019, Oct. 24, 1983]

§ 166.400 Areas along the coast of Alaska.

(a) *Purpose*. Fairways, as described in this section, are established to control the erection of structures therein to provide safe vessel routes along the coast of Alaska.

(b) *Designated Areas*—(1) *Prince William Sound Safety Fairway*. *(i) Hinchinbrook Entrance Safety Fairway*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
59°59′00″ N	145°27′24″ W
60°13′18″ N	146°38′06″ W
60°11′24″ N	146°47′00″ W
59°55′00″ N	145°42′00″ W

(ii) *Gulf to Hinchinbrook Safety Fairway* (recommended for inbound vessel traffic). The area enclosed by rhumb lines joining points at:

Latitude	Longitude
59°15′42″ N	144°02′07″ W
59°59′00″ N	145°27′24″ W
59°58′00″ N	145°32′12″ W
59°14′18″ N	144°04′53″ W

(iii) *Hinchinbrook to Gulf Safety Fairway* (recommended for outbound vessel traffic). The area enclosed by rhumb lines joining points at:

Latitude	Longitude
59°15′41″ N	144°23′35″ W
59°56′00″ N	145°37′39″ W
59°55′00″ N	145°42′00″ W
59°14′19″ N	144°26′25″ W

(2) *Unimak Pass Safety Fairway. (i) East/West Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
54°25′58″ N	165°42′24″ W
54°22′50″ N	165°06′54″ W
54°22′10″ N	164°59′29″ W
54°07′58″ N	162°19′25″ W
54°04′02″ N	162°20′35″ W
54°22′02″ N	165°43′36″ W

(ii) *North/South Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
54°42′28″ N	165°16′19″ W
54°43′32″ N	165°09′41″ W
54°22′50″ N	165°06′54″ W
54°22′10″ N	164°59′29″ W

[CGD 81–103, 51 FR 43349, Dec. 2, 1986]

§ 166.500 Areas along the Atlantic Coast.

(a) *Purpose.* Fairways, as described in this section are established to control the erection of structures therein to provide safe vessel routes along the Atlantic Coast.

(b) *Designated Areas*—(1) *Off New York Shipping Safety Fairway.* (i) Ambrose to Nantucket Safety Fairway. The area enclosed by rhumb lines, [North American Datum of 1927 (NAD–27)] joining points at:

Latitude	Longitude
40°32′20″ N	73°04′57″ W
40°30′58″ N	72°58′25″ W
40°34′07″ N	70°19′23″ W
40°35′37″ N	70°14′09″ W
40°30′37″ N	70°14′00″ W
40°32′07″ N	70°19′19″ W
40°28′58″ N	72°58′25″ W
40°27′20″ N	73°04′57″ W

(ii) *Nantucket to Ambrose Safety Fairway.* The area enclosed by rhumb lines, NAD–27, joining point at:

Latitude	Longitude
28°54′33″ N	89°26′07″ W
40°24′20″ N	73°04′58″ W
40°22′58″ N	72°58′26″ W
40°26′07″ N	70°19′09″ W
40°27′37″ N	70°13′46″ W
40°22′37″ N	70°13′36″ W
40°24′07″ N	70°19′05″ W
40°20′58″ N	72°58′26″ W
40°19′20″ N	73°04′58″ W

[CGD 84–004, 52 FR 33589, Sept. 4, 1987; 52 FR 36248, Sept. 28, 1987]

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

Subpart A—General

Sec.

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas

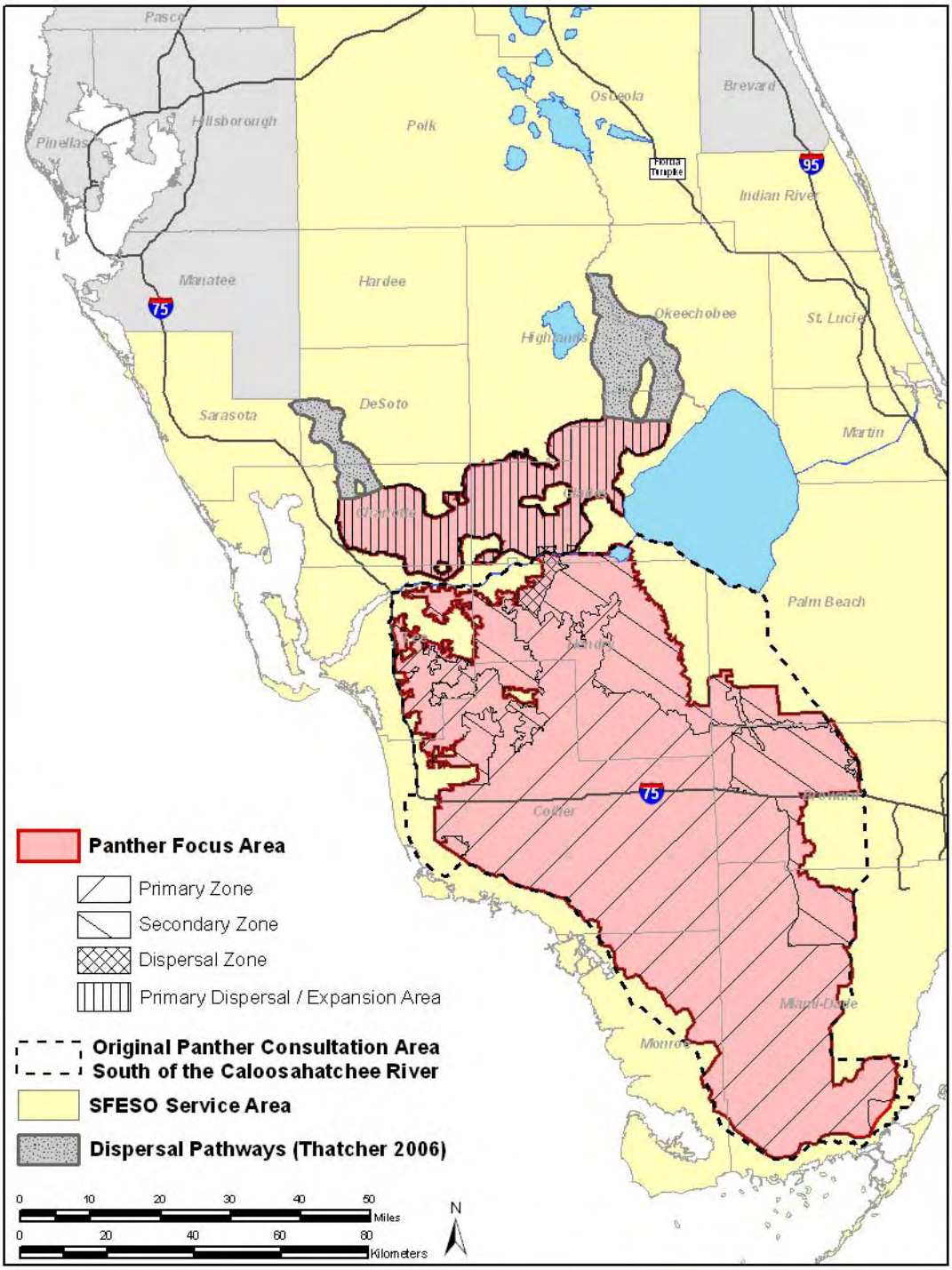
ATLANTIC EAST COAST

US Army Corps of Engineers®

Department of the Army Permit
State Programmatic General Permit
(SPGP VI-R1)

Attachment 16

Florida Panther Focus Area.


Pasco
Hillsborough
Pinellas
Polk
Osceola
Brevard
Indian River
Florida Turnpike
95
75
Manatee
Hardee
Okeechobee
St. Lucie
Highlands
Sarasota
DeSoto
Martin
Palm Beach
Collier
Miami-Dade
Monroe
Panther Focus Area
Primary Zone
Secondary Zone
Dispersal Zone
Primary Dispersal / Expansion Area
Original Panther Consultation Area South of the Caloosahatchee River
SFESO Service Area
Dispersal Pathways (Thatcher 2006)
0 10 20 30 40 50
Miles
0 20 40 60 80
Kilometers
N

US Army Corps of Engineers®

Department of the Army Permit
State Programmatic General Permit
(SPGP VI-R1)

Attachment 17

American Crocodile Critical Habitat Map.

American Crocodile Critical Habitat -

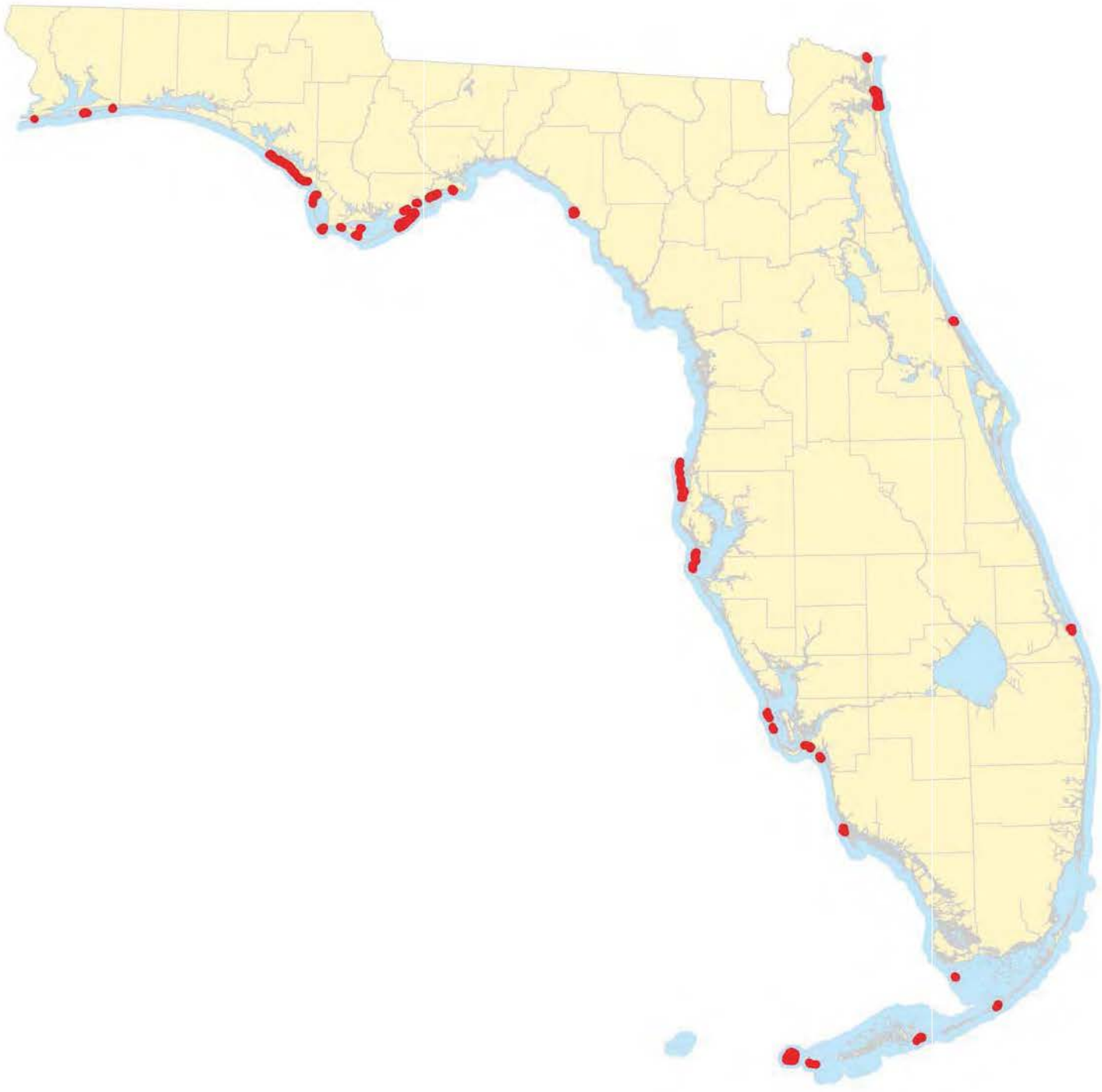
US Army Corps of Engineers®

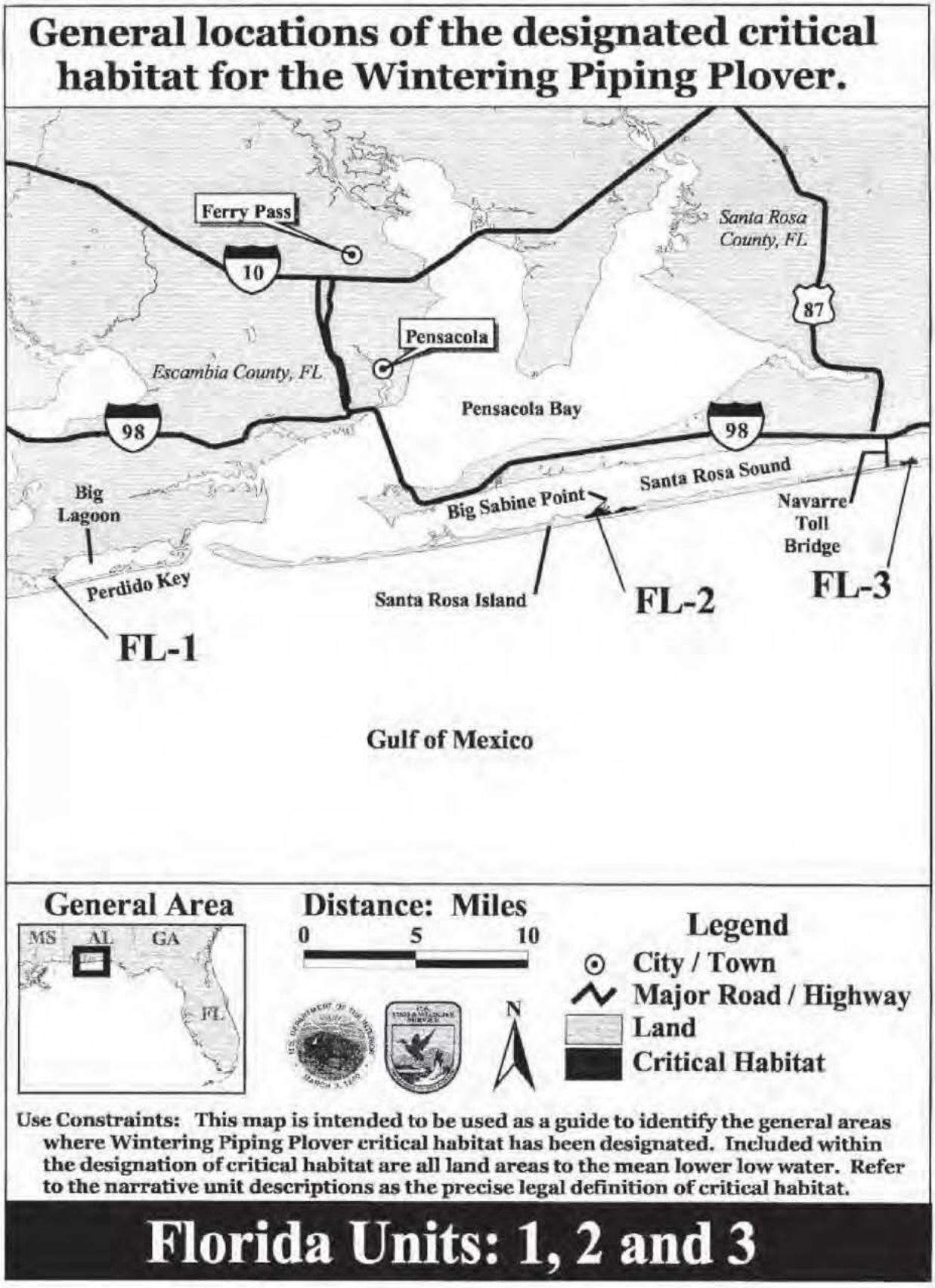
Department of the Army Permit
State Programmatic General Permit
(SPGP VI-R1)

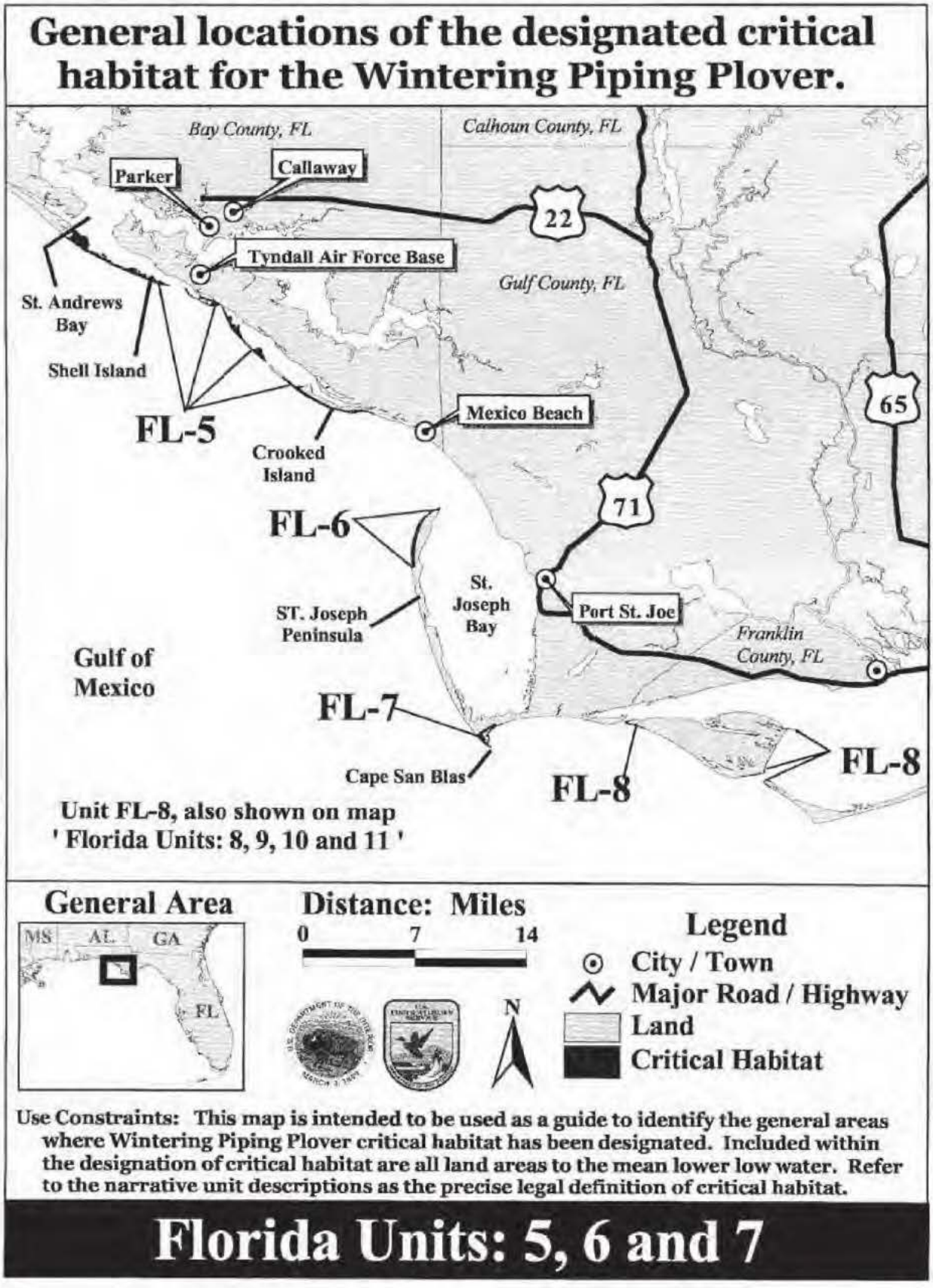
Attachment 18

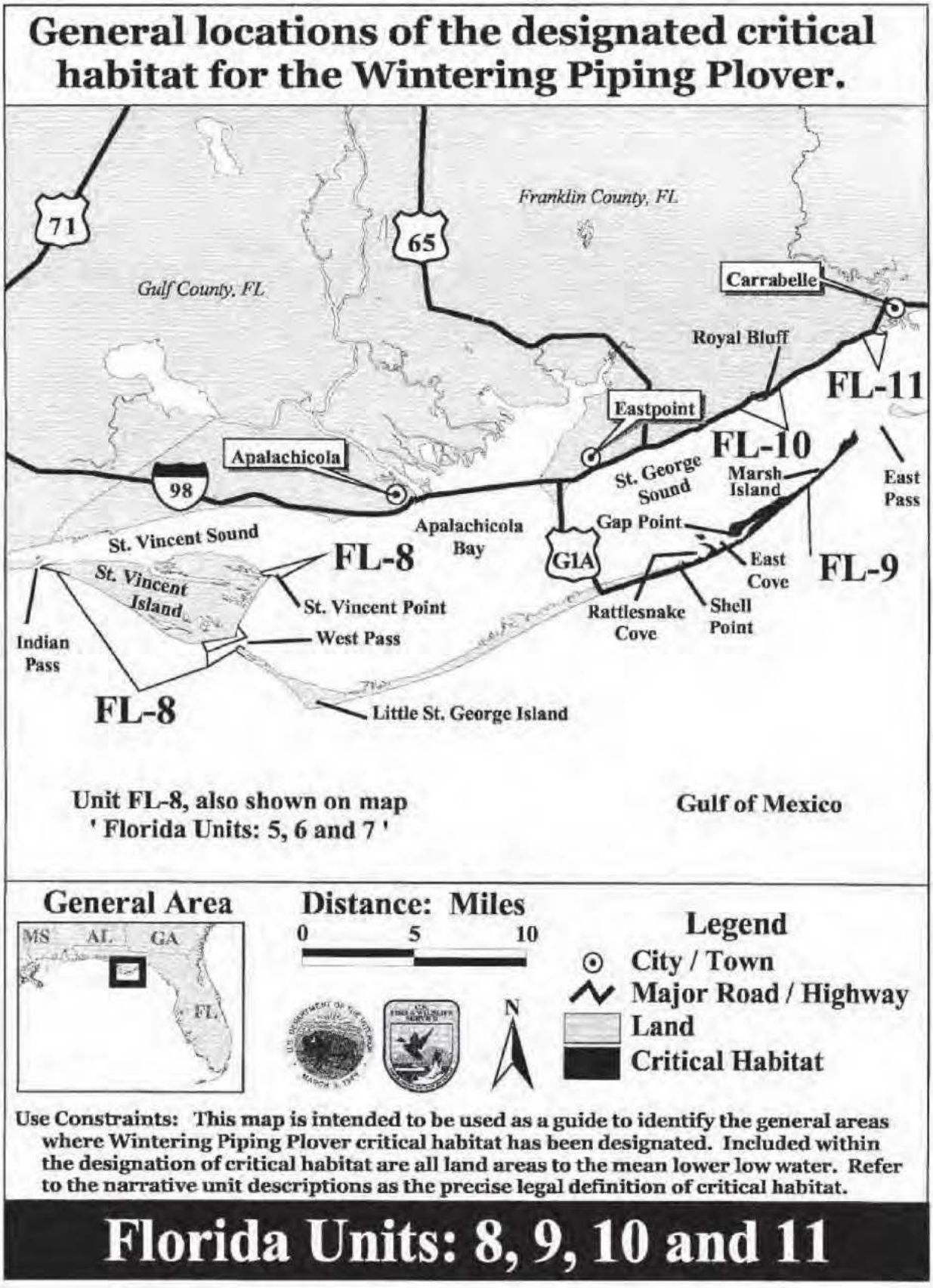
Piping Plover Critical Habitat Maps.

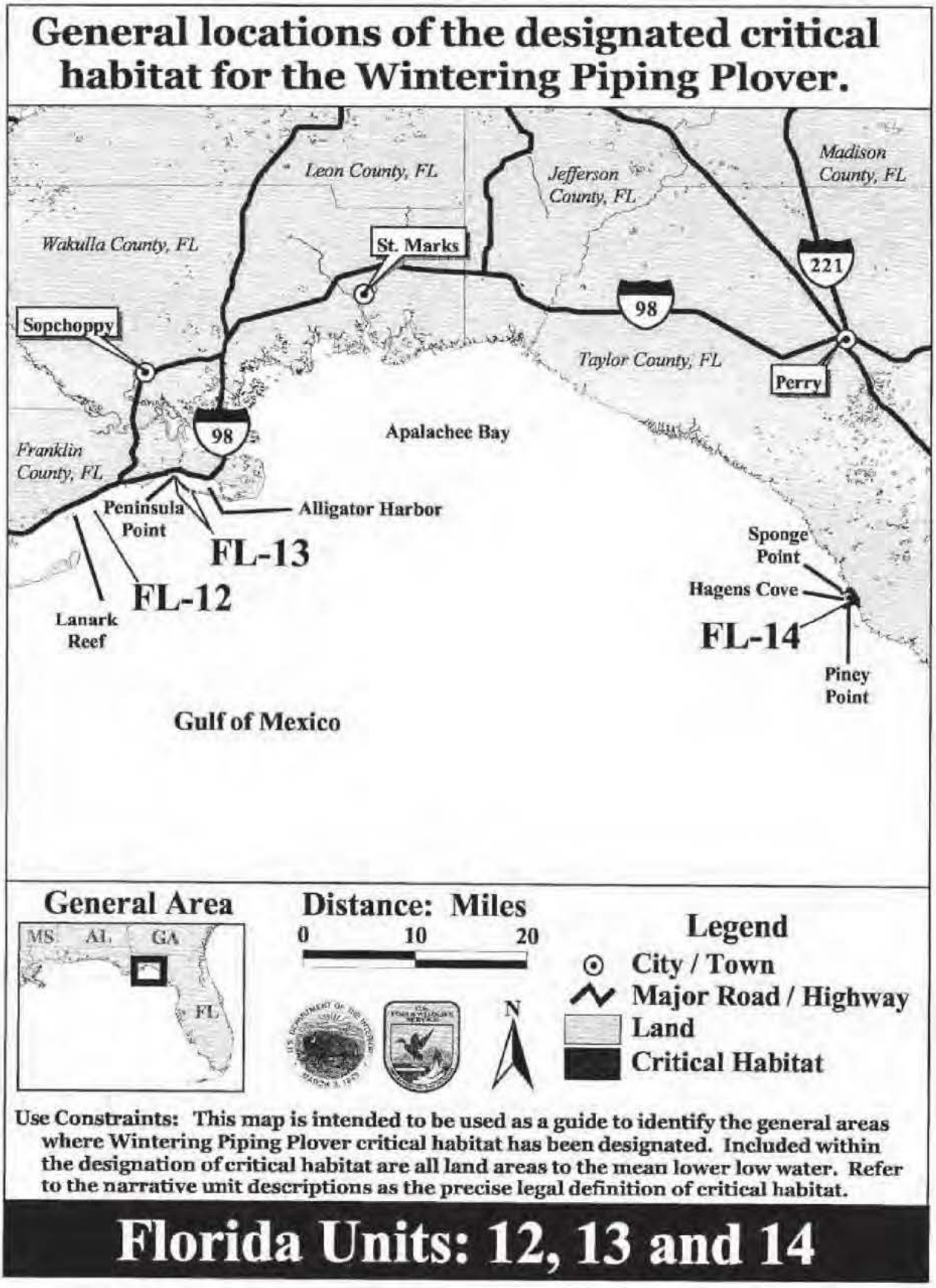
Piping Plover Critical Habitat



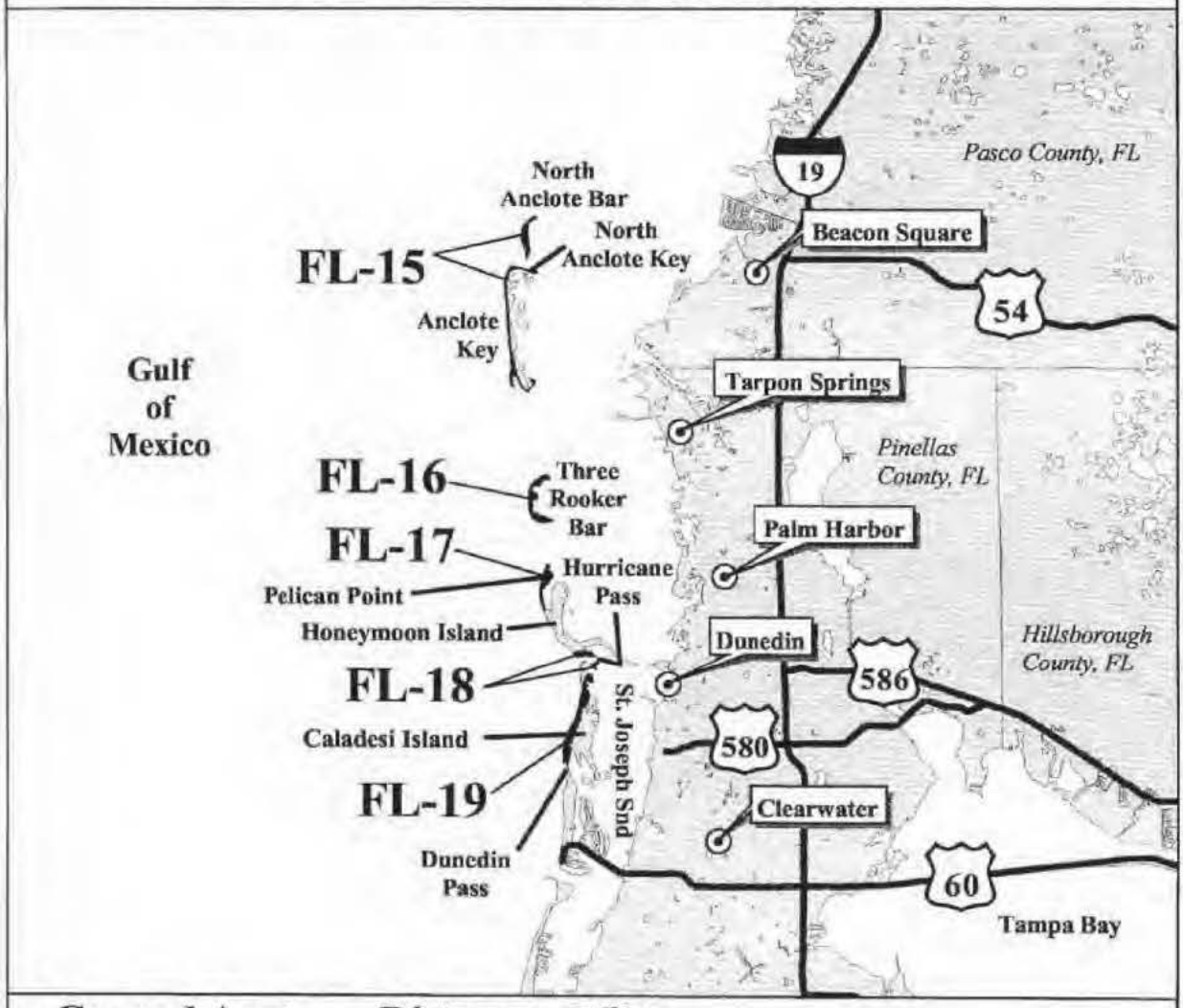

General locations of the designated critical habitat for the Wintering Piping Plover.
Ferry Pass
10
Pensacola
Escambia County, FL
Santa Rosa County, FL
87
98
98
Pensacola Bay
Big Lagoon
Perdido Key
FL-1
Big Sabine Point
Santa Rosa Sound
Santa Rosa Island
FL-2
Navarre Toll Bridge
FL-3
Gulf of Mexico
General Area
MS
AL
GA
FL
Distance: Miles
0
5
10
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Units: 1, 2 and 3


General locations of the designated critical habitat for the Wintering Piping Plover.
Bay County, FL
Calhoun County, FL
Parker
Callaway
22
Tyndall Air Force Base
Gulf County, FL
St. Andrews Bay
Shell Island
FL-5
Crooked Island
Mexico Beach
65
71
FL-6
St. Joseph Bay
ST. Joseph Peninsula
Port St. Joe
Franklin County, FL
Gulf of Mexico
FL-7
Cape San Blas
FL-8
FL-8
Unit FL-8, also shown on map ' Florida Units: 8, 9, 10 and 11 '
General Area
MS
AL
GA
FL
Distance: Miles
0
7
14
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Units: 5, 6 and 7


General locations of the designated critical habitat for the Wintering Piping Plover.
71
65
Franklin County, FL
Gulf County, FL
Carrabelle
Royal Bluff
FL-11
Eastpoint
FL-10
Apalachicola
98
St. George Sound
Marsh Island
East Pass
Gap Point
Apalachicola Bay
St. Vincent Sound
FL-8
G1A
East Cove
FL-9
St. Vincent Island
St. Vincent Point
Rattlesnake Cove
Shell Point
Indian Pass
West Pass
FL-8
Little St. George Island
Unit FL-8, also shown on map
' Florida Units: 5, 6 and 7 '
Gulf of Mexico
General Area
MS
AL
GA
FL
Distance: Miles
0
5
10
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Units: 8, 9, 10 and 11

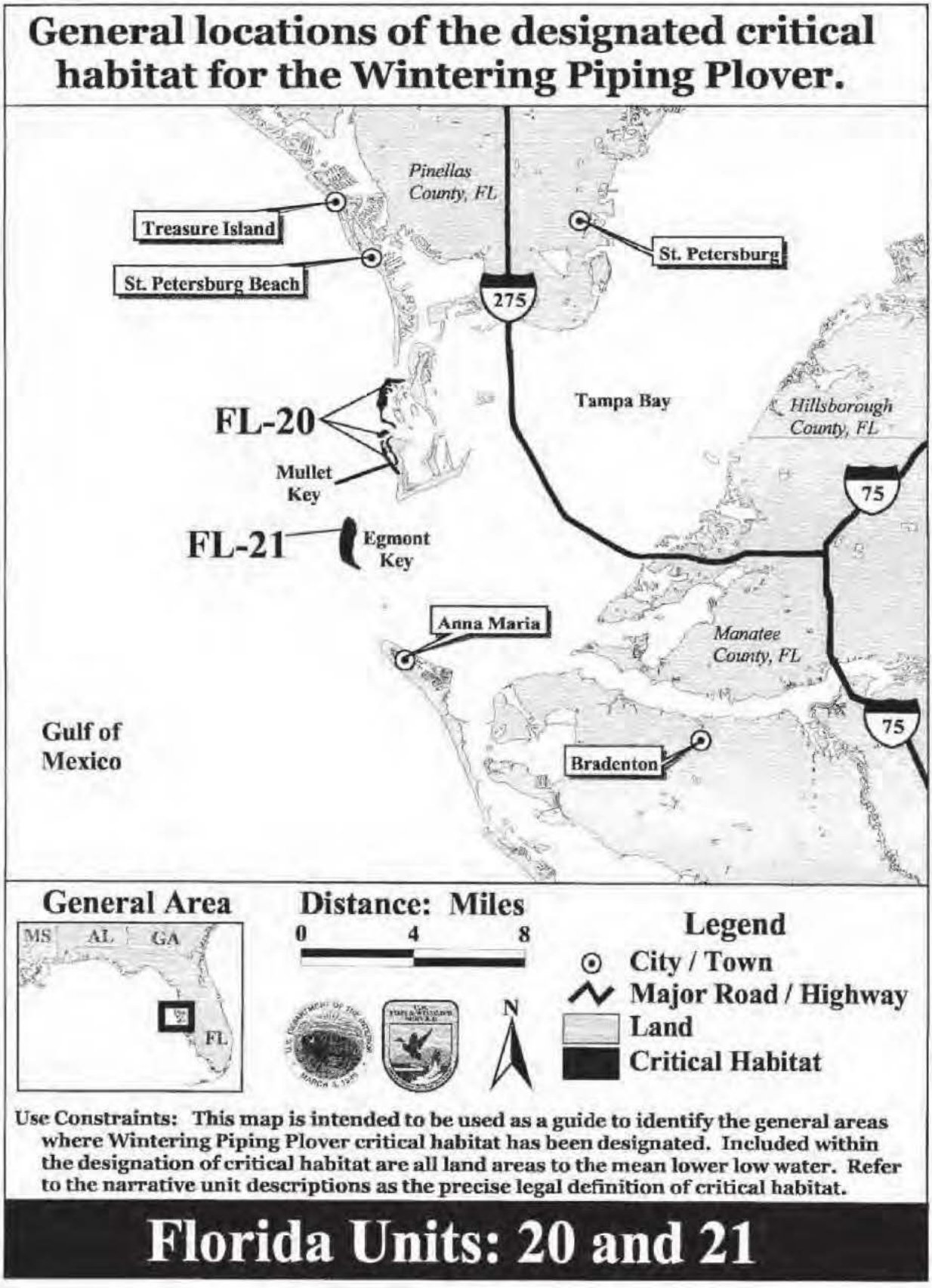

General locations of the designated critical habitat for the Wintering Piping Plover.
Leon County, FL
Jefferson County, FL
Madison County, FL
Wakulla County, FL
St. Marks
221
98
Sopchoppy
Taylor County, FL
Perry
98
Apalachee Bay
Franklin County, FL
Peninsula Point
Alligator Harbor
FL-13
FL-12
Lanark Reef
Sponge Point
Hagens Cove
FL-14
Piney Point
Gulf of Mexico
General Area
MS
AL
GA
FL
Distance: Miles
0
10
20
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Units: 12, 13 and 14

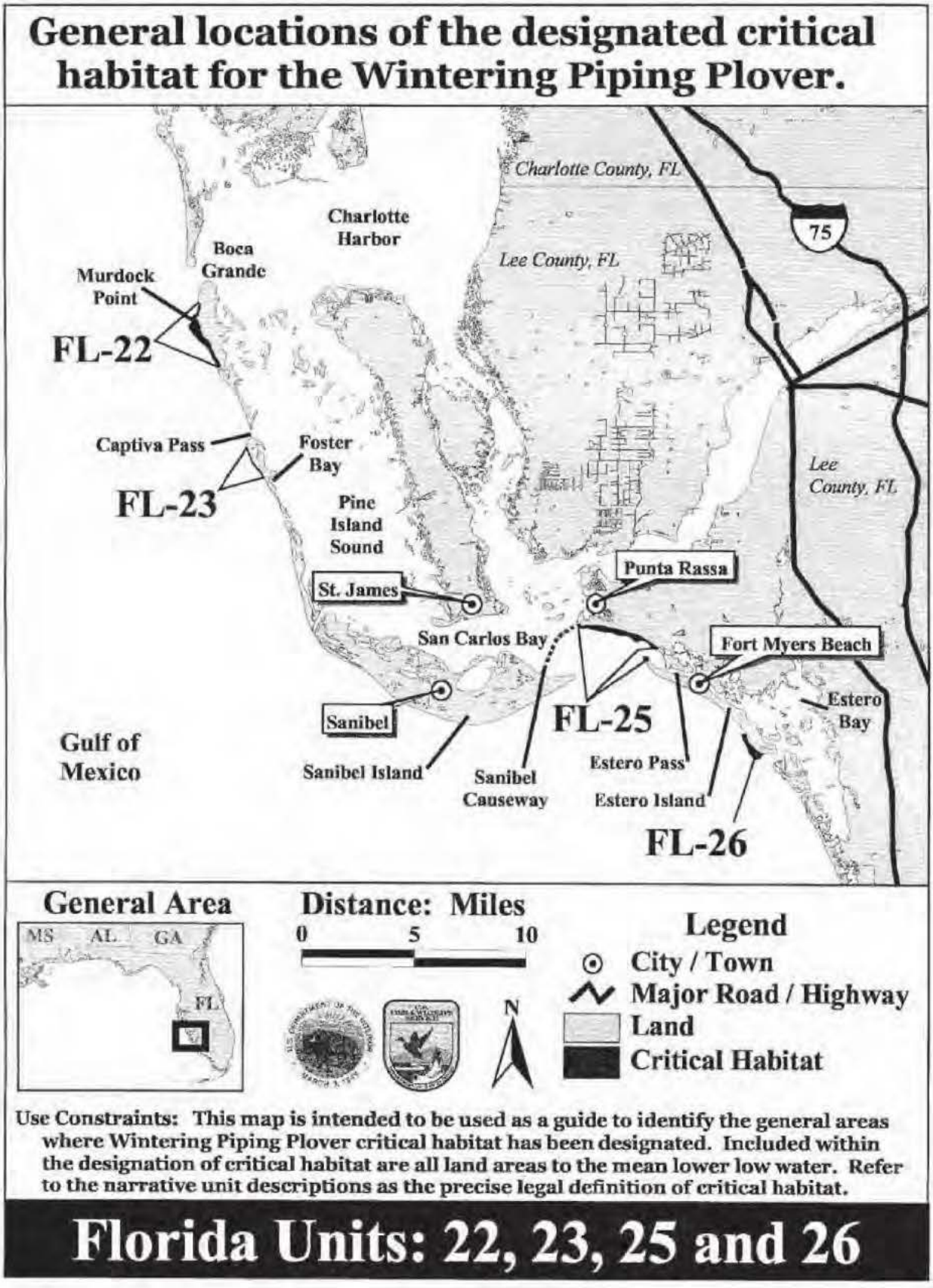
General locations of the designated critical habitat for the Wintering Piping Plover.

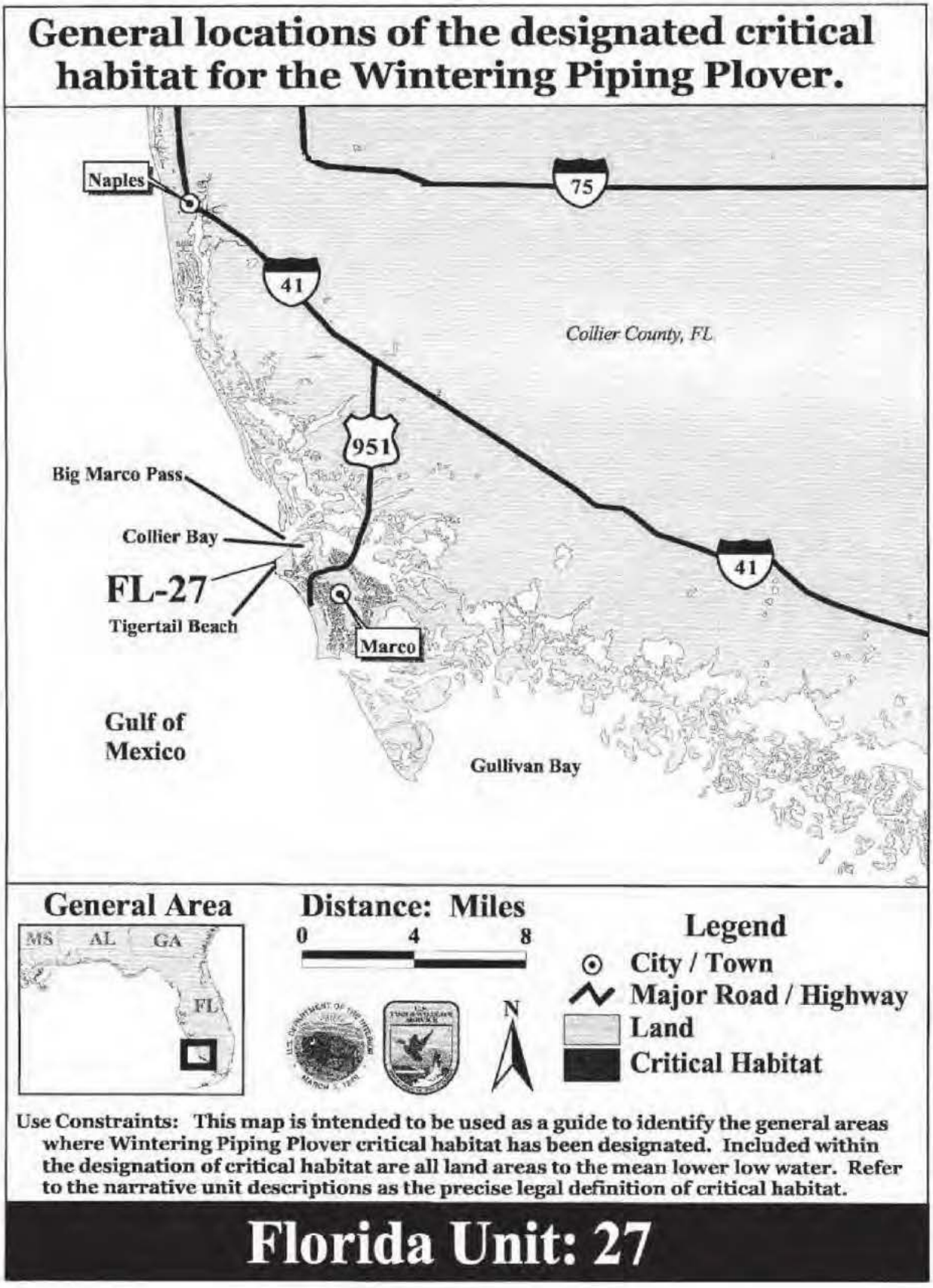


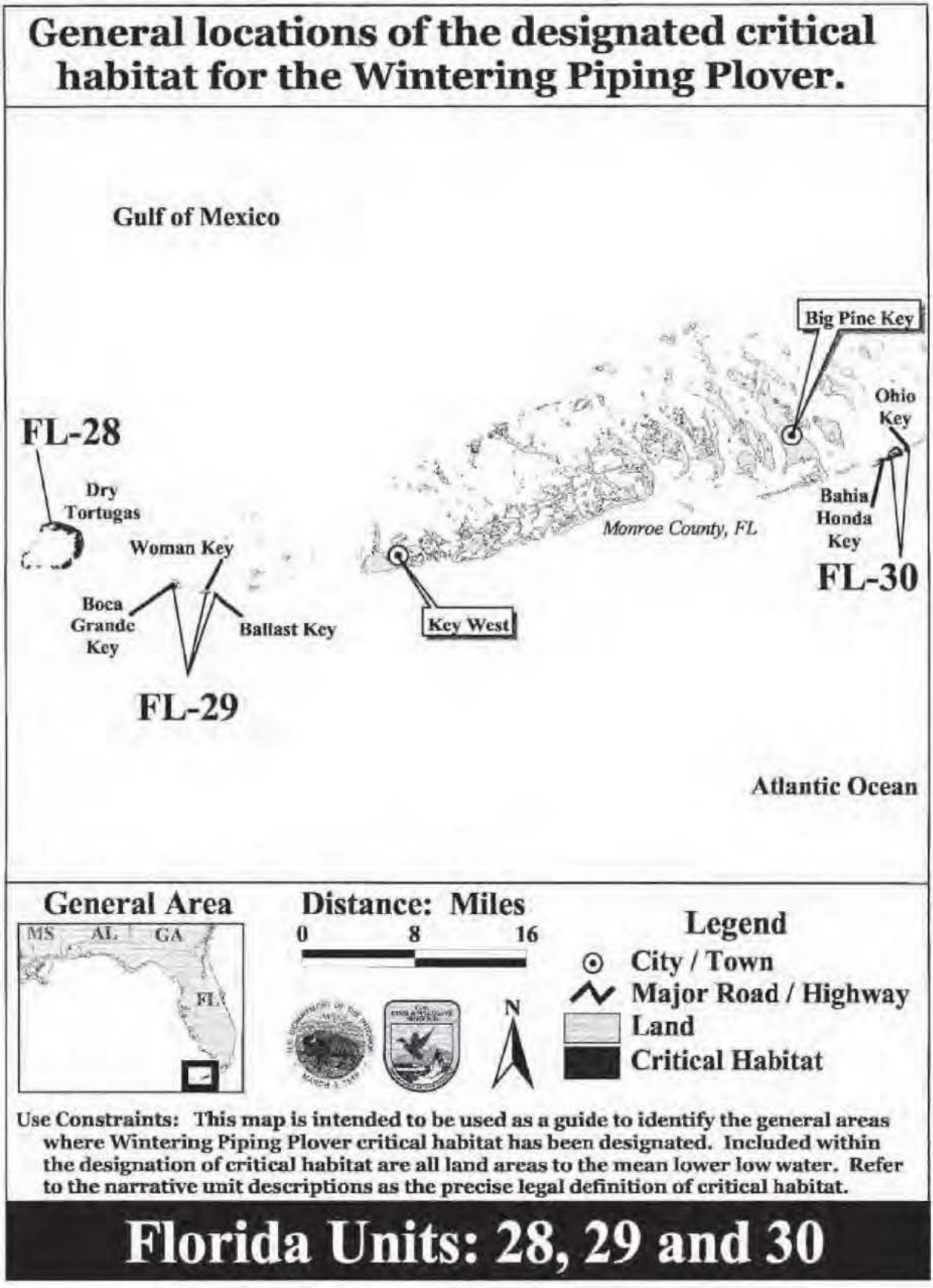
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.

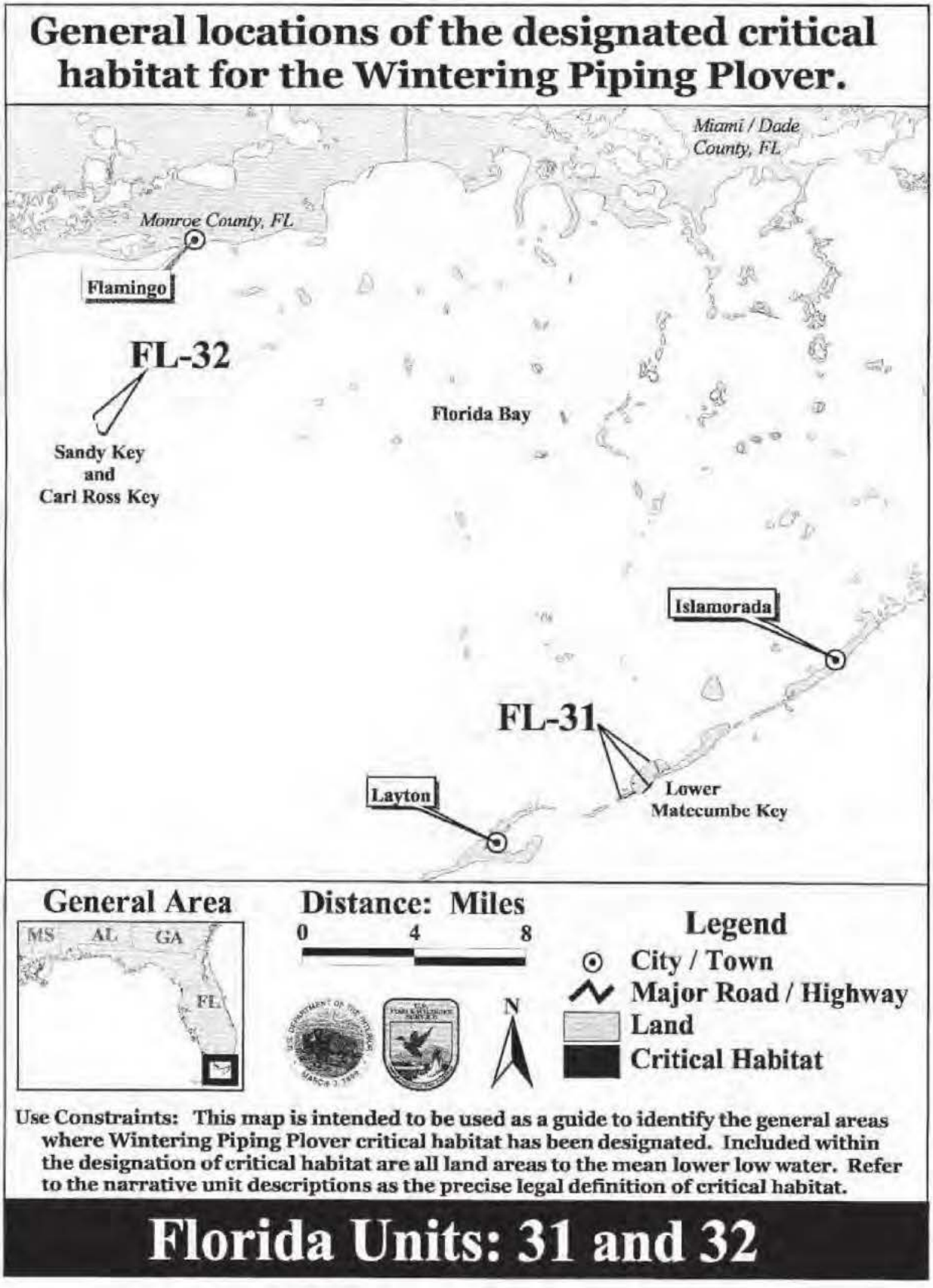
Florida Units: 15, 16, 17, 18 and 19

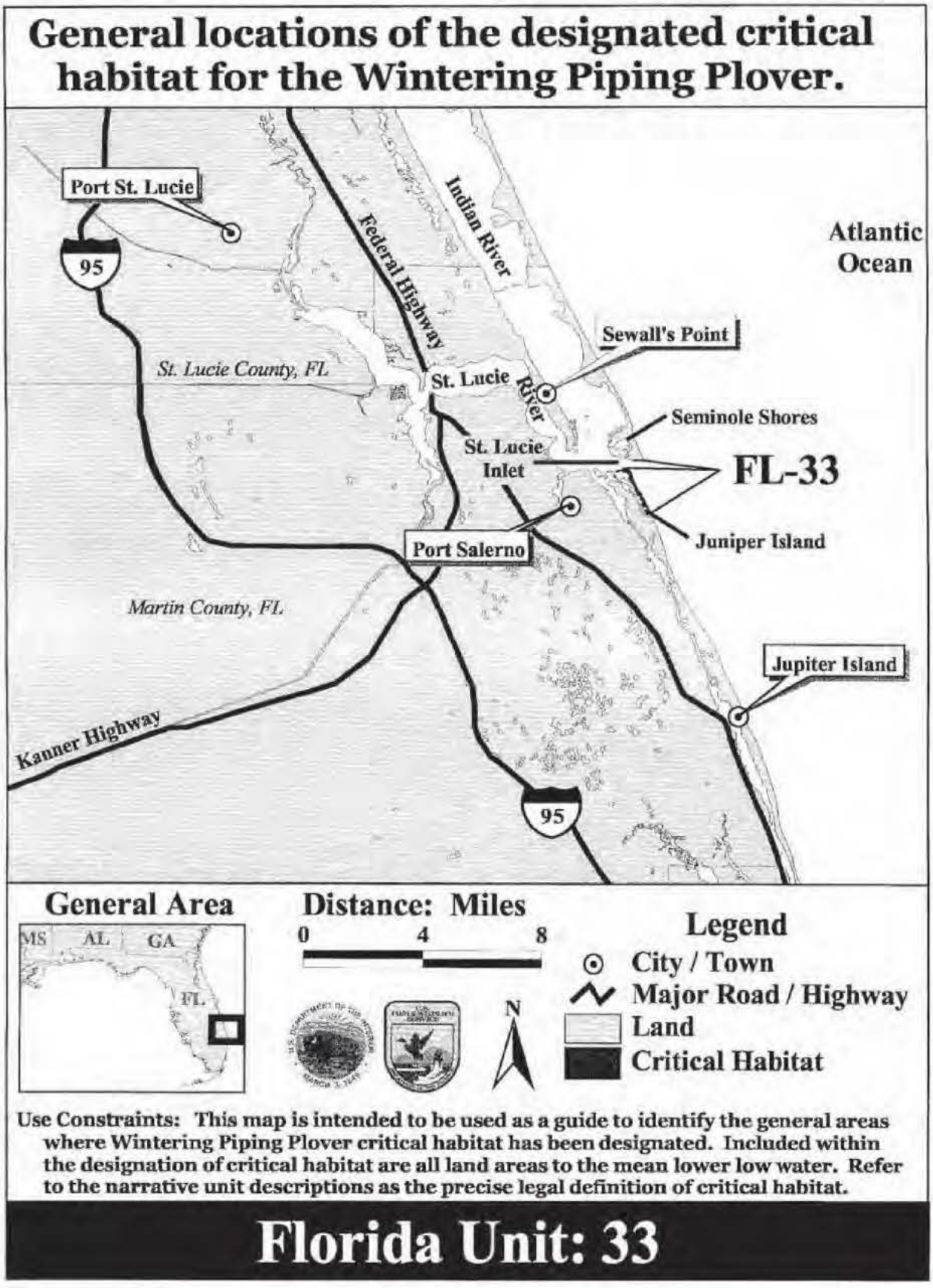

General locations of the designated critical habitat for the Wintering Piping Plover.
Pinellas County, FL
Treasure Island
St. Petersburg Beach
St. Petersburg
275
Tampa Bay
Hillsborough County, FL
FL-20
Mullet Key
FL-21
Egmont Key
75
Anna Maria
Manatee County, FL
Gulf of Mexico
Bradenton
General Area
MS
AL
GA
FL
Distance: Miles
0
4
8
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Units: 20 and 21

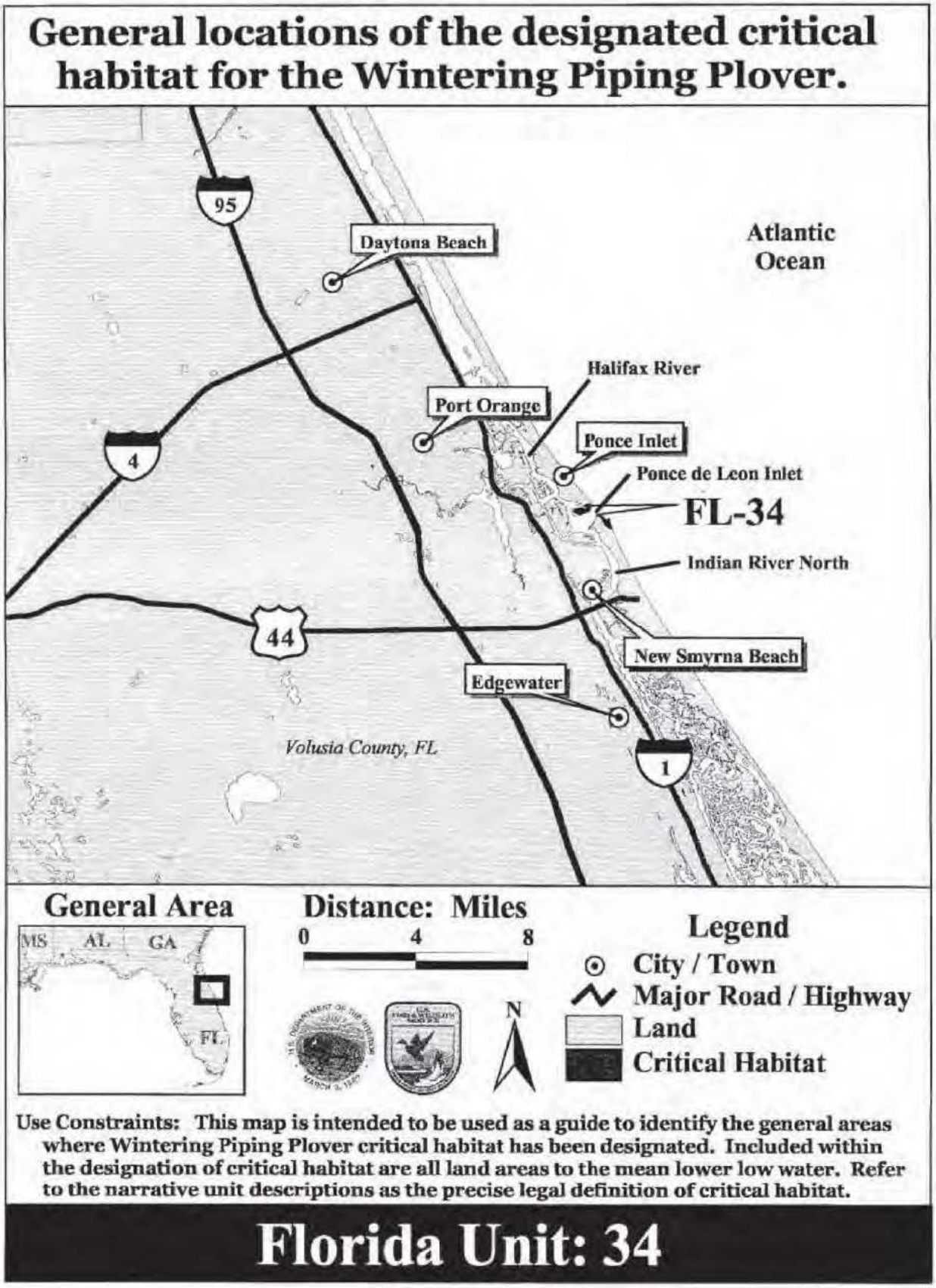

General locations of the designated critical habitat for the Wintering Piping Plover.
Charlotte County, FL
Charlotte Harbor
Boca Grande
Murdock Point
FL-22
Lee County, FL
75
Captiva Pass
Foster Bay
FL-23
Pine Island Sound
Lee County, FL
Punta Rassa
St. James
San Carlos Bay
Fort Myers Beach
Estero Bay
Sanibel
FL-25
Gulf of Mexico
Sanibel Island
Sanibel Causeway
Estero Pass
Estero Island
FL-26
General Area
MS
AL
GA
FL
Distance: Miles
0
5
10
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Units: 22, 23, 25 and 26

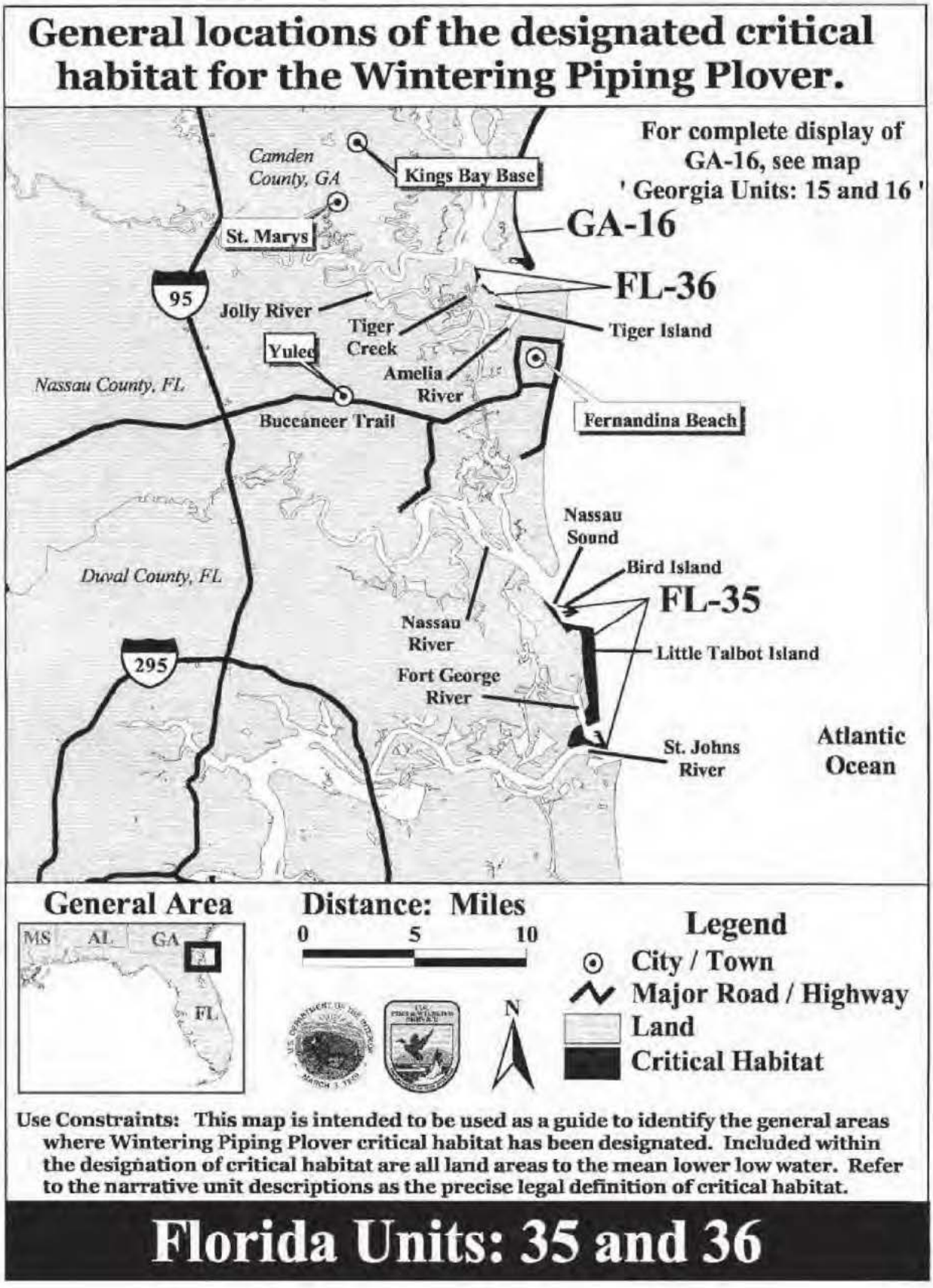

General locations of the designated critical habitat for the Wintering Piping Plover.
Naples
75
41
Collier County, FL
951
Big Marco Pass
Collier Bay
FL-27
Tigertail Beach
Marco
41
Gulf of Mexico
Gullivan Bay
General Area
MS
AL
GA
FL
Distance: Miles
0
4
8
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Unit: 27


General locations of the designated critical habitat for the Wintering Piping Plover.
Gulf of Mexico
Big Pine Key
Ohio Key
FL-28
Dry Tortugas
Woman Key
Boca Grande Key
Ballast Key
FL-29
Monroe County, FL
Bahia Honda Key
FL-30
Key West
Atlantic Ocean
General Area
MS
AL
GA
FL
Distance: Miles
0
8
16
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Units: 28, 29 and 30


General locations of the designated critical habitat for the Wintering Piping Plover.
Miami / Dade County, FL
Monroe County, FL
Flamingo
FL-32
Florida Bay
Sandy Key and Carl Ross Key
Islamorada
FL-31
Layton
Lower Matecumbe Key
General Area
MS
AL
GA
FL
Distance: Miles
0
4
8
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Units: 31 and 32


General locations of the designated critical habitat for the Wintering Piping Plover.
Port St. Lucie
95
Federal Highway
Indian River
Atlantic Ocean
Sewall's Point
St. Lucie County, FL
St. Lucie River
Seminole Shores
St. Lucie Inlet
FL-33
Juniper Island
Port Salerno
Martin County, FL
Jupiter Island
Kanner Highway
95
General Area
MS
AL
GA
FL
Distance: Miles
0
4
8
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Unit: 33


General locations of the designated critical habitat for the Wintering Piping Plover.
95
Daytona Beach
Atlantic Ocean
Halifax River
Port Orange
Ponce Inlet
4
Ponce de Leon Inlet
FL-34
Indian River North
44
New Smyrna Beach
Edgewater
Volusia County, FL
1
General Area
MS
AL
GA
FL
Distance: Miles
0
4
8
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Unit: 34


General locations of the designated critical habitat for the Wintering Piping Plover.
For complete display of GA-16, see map ' Georgia Units: 15 and 16 '
Camden County, GA
Kings Bay Base
St. Marys
GA-16
FL-36
95
Jolly River
Tiger Creek
Tiger Island
Yulee
Amelia River
Nassau County, FL
Buccaneer Trail
Fernandina Beach
Nassau Sound
Bird Island
Duval County, FL
FL-35
Nassau River
295
Little Talbot Island
Fort George River
St. Johns River
Atlantic Ocean
General Area
MS
AL
GA
FL
Distance: Miles
0
5
10
N
Legend
City / Town
Major Road / Highway
Land
Critical Habitat
Use Constraints: This map is intended to be used as a guide to identify the general areas where Wintering Piping Plover critical habitat has been designated. Included within the designation of critical habitat are all land areas to the mean lower low water. Refer to the narrative unit descriptions as the precise legal definition of critical habitat.
Florida Units: 35 and 36

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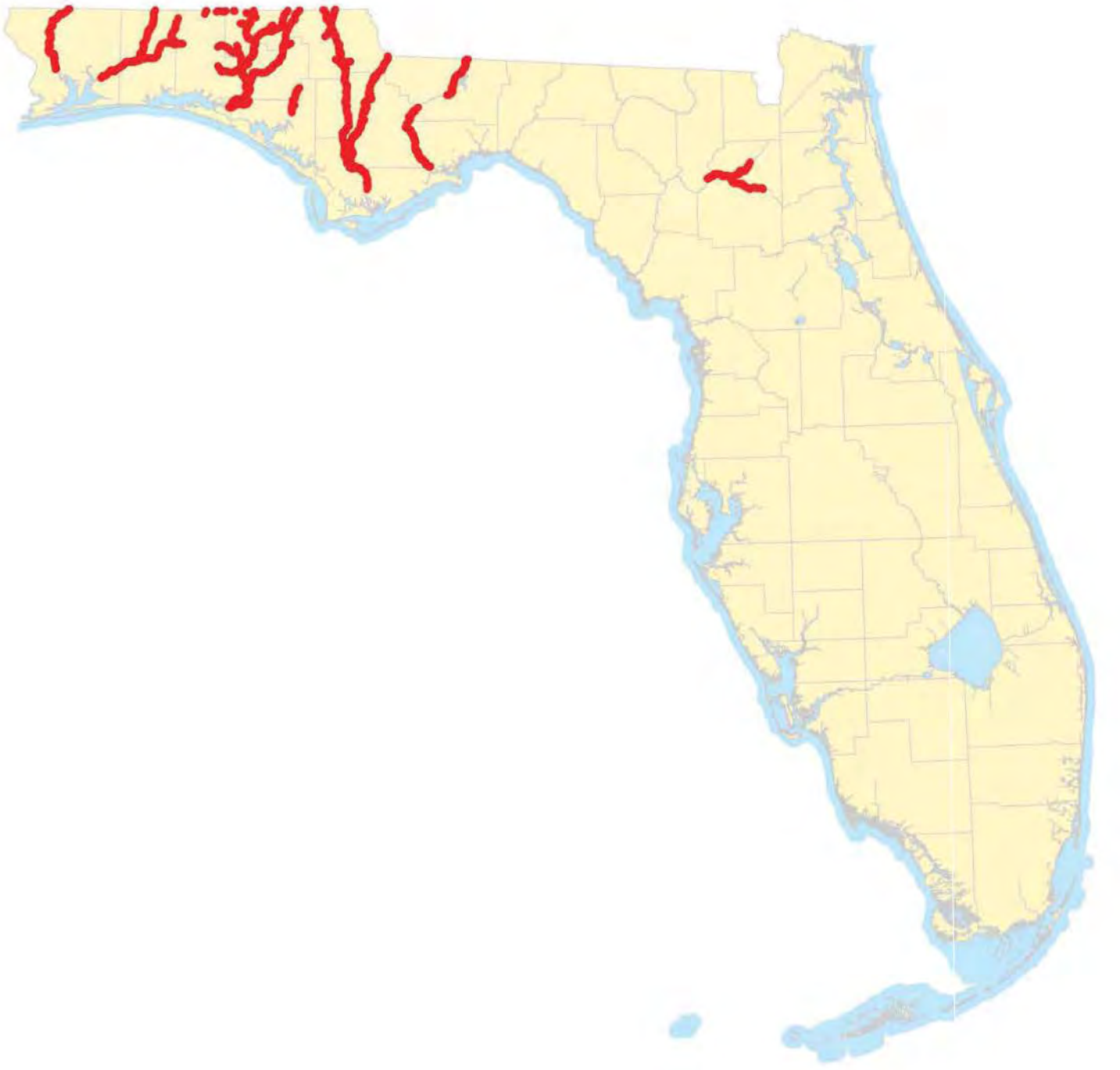
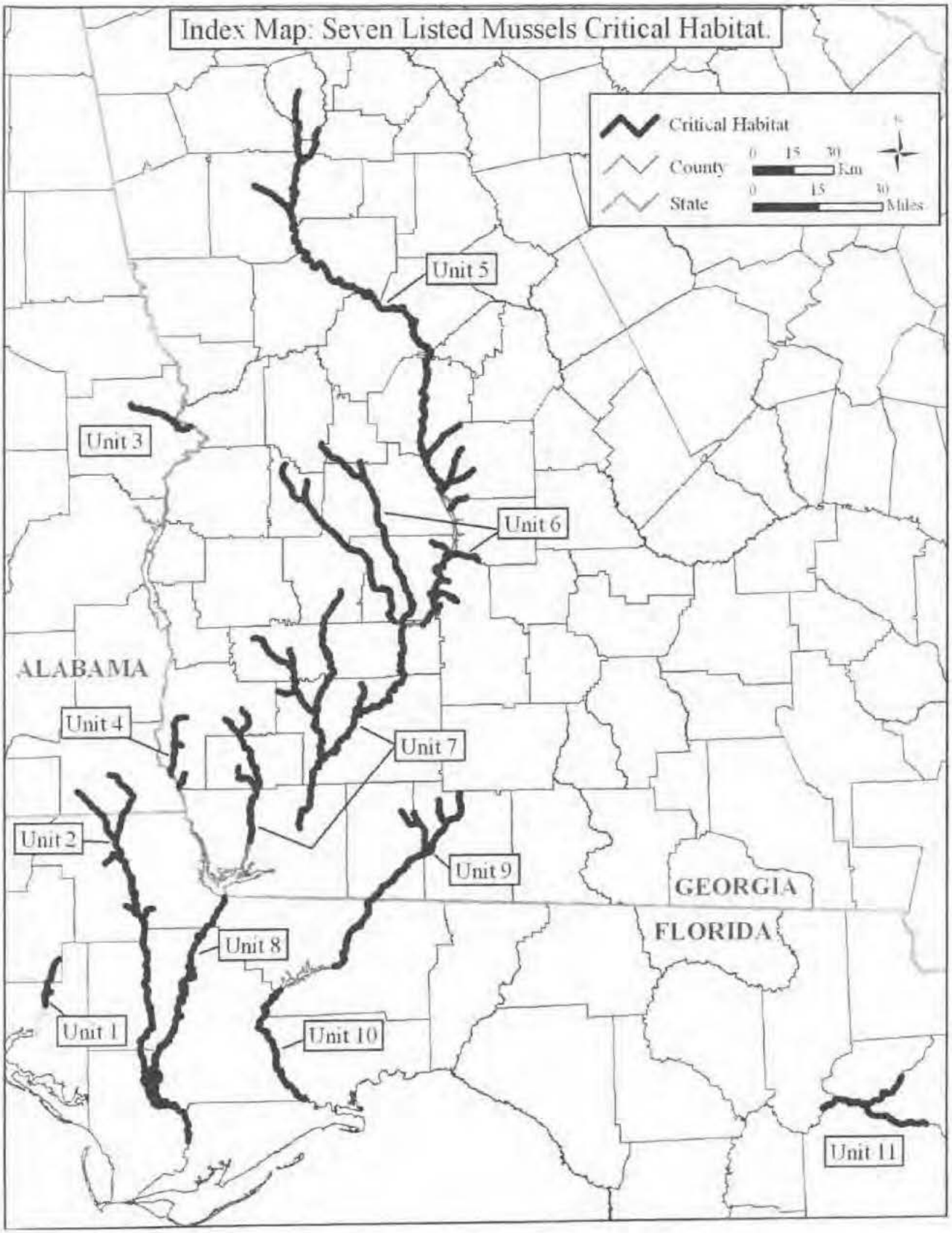
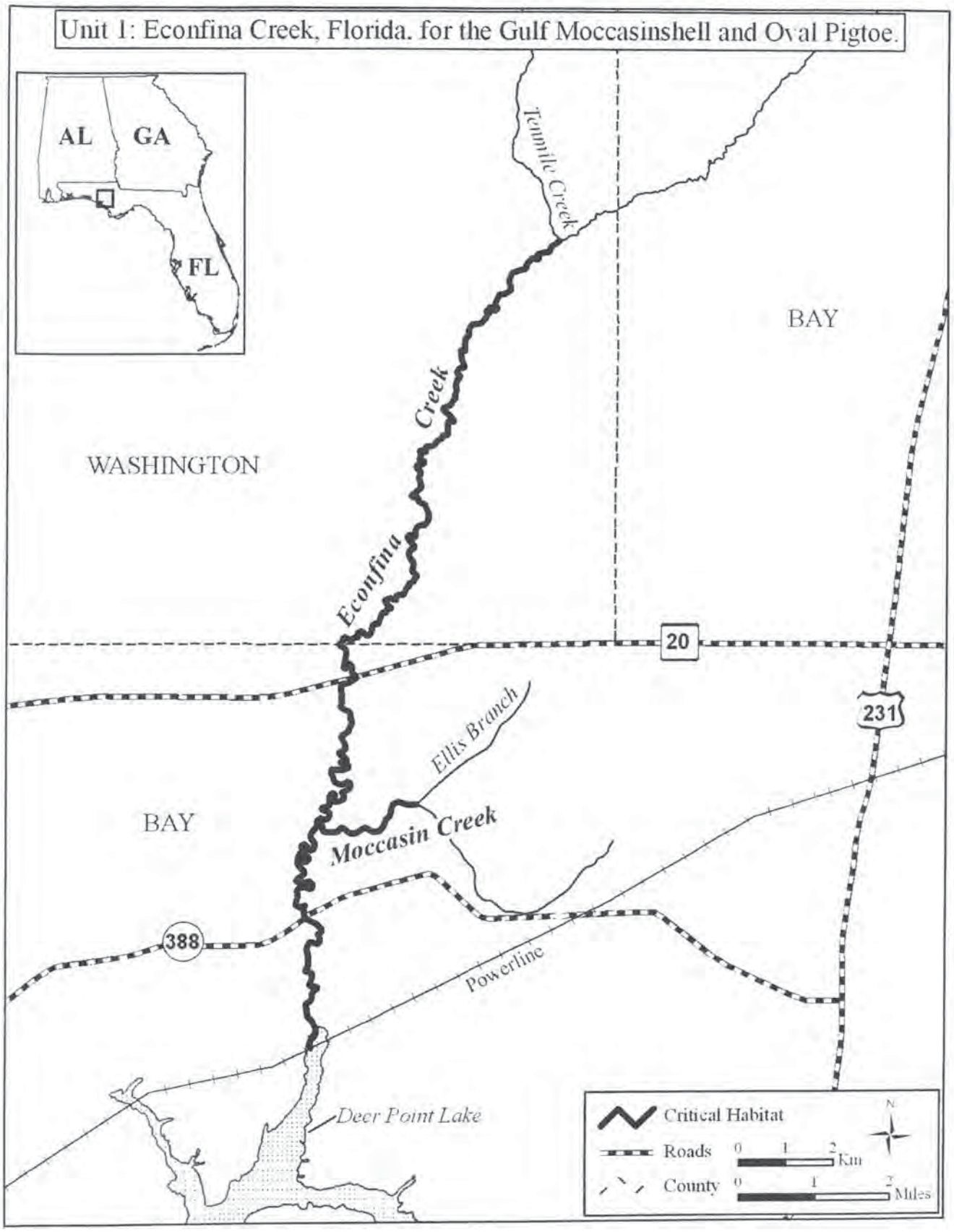
Attachment 19

Freshwater Mussels Critical Habitat Maps.

Freshwater Mussels Critical Habitat




Index Map: Seven Listed Mussels Critical Habitat.
Critical Habitat
County
State
0 15 30
Km
0 15 30
Miles
Unit 1
Unit 2
Unit 3
Unit 4
Unit 5
Unit 6
Unit 7
Unit 8
Unit 9
Unit 10
Unit 11
ALABAMA
GEORGIA
FLORIDA



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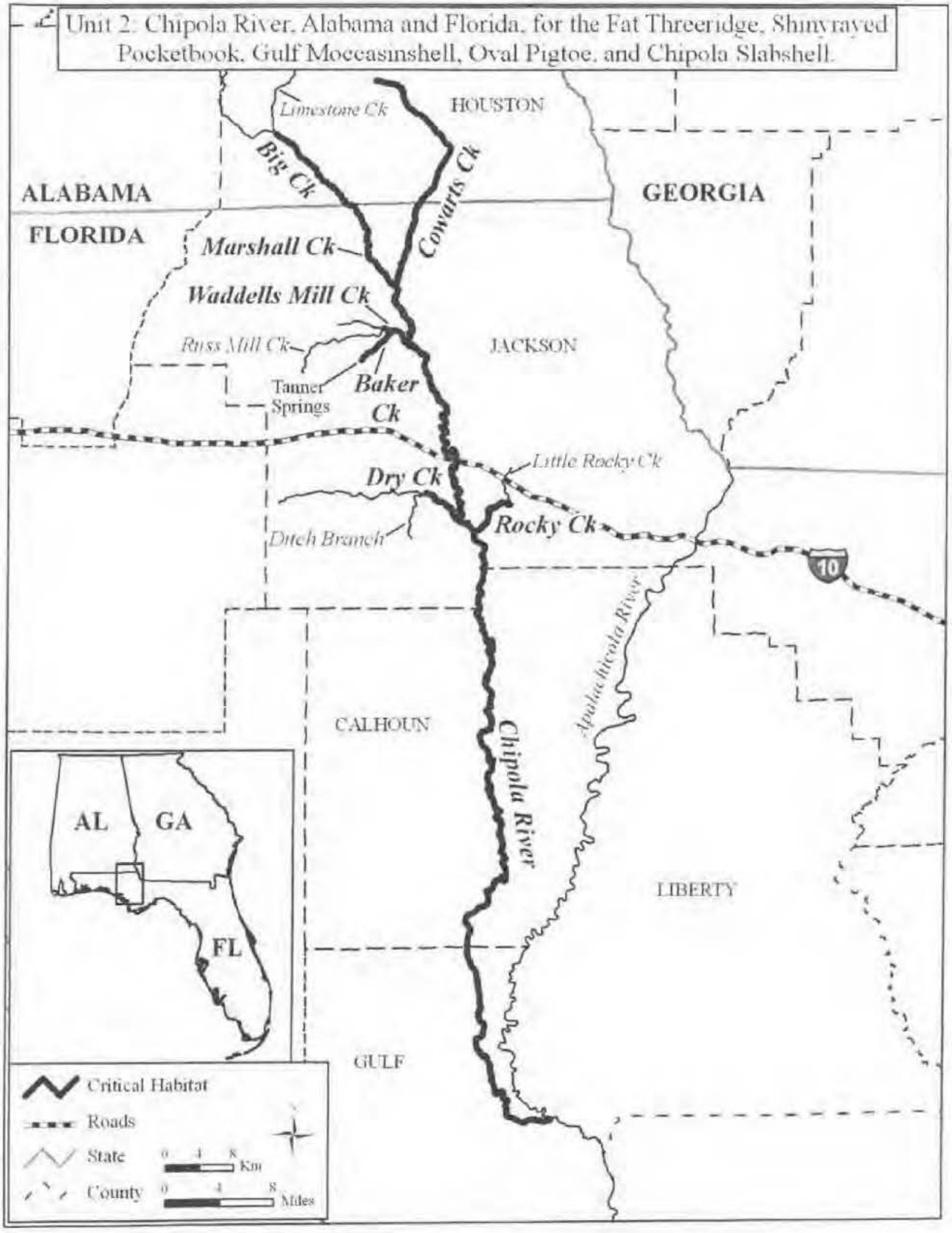
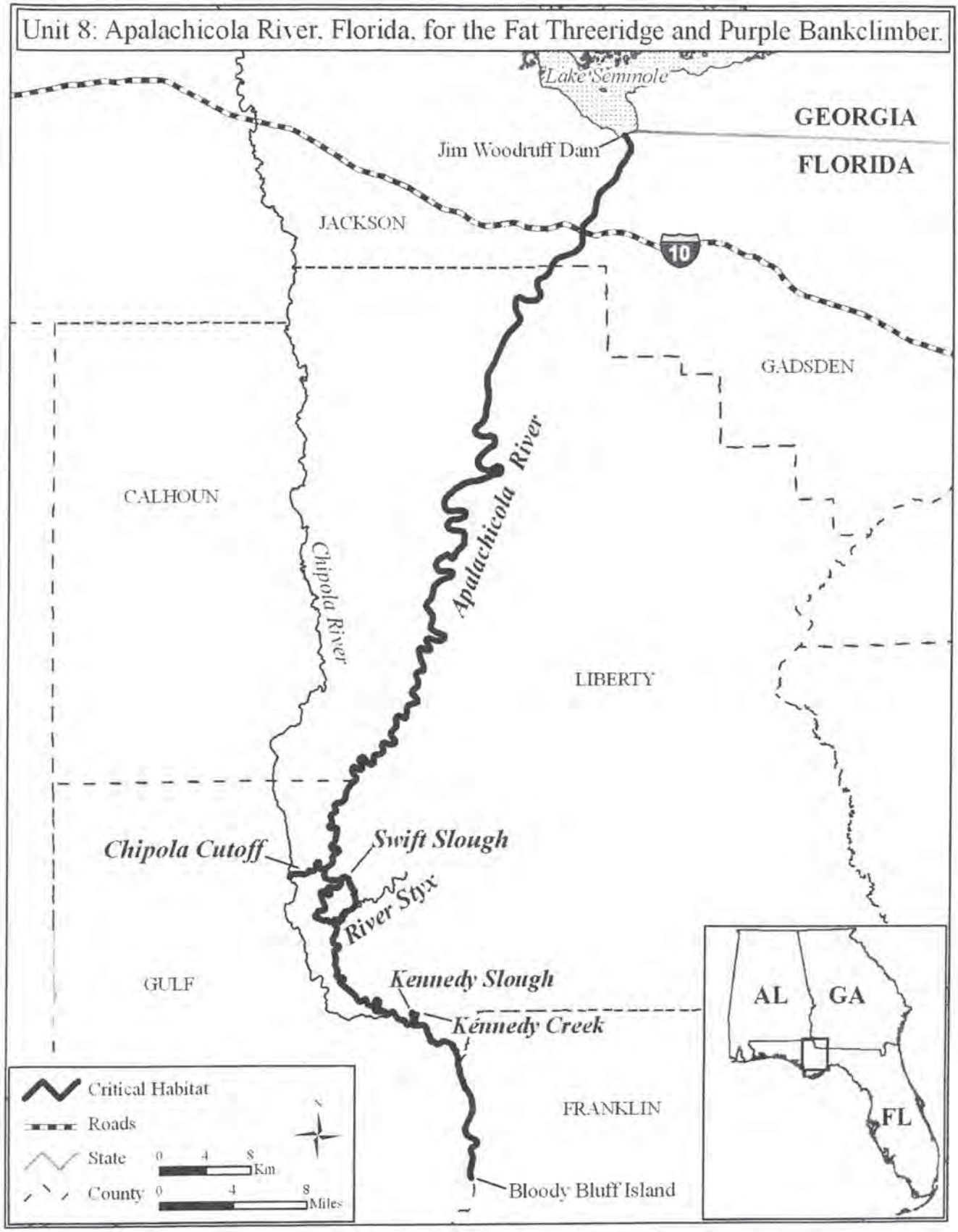
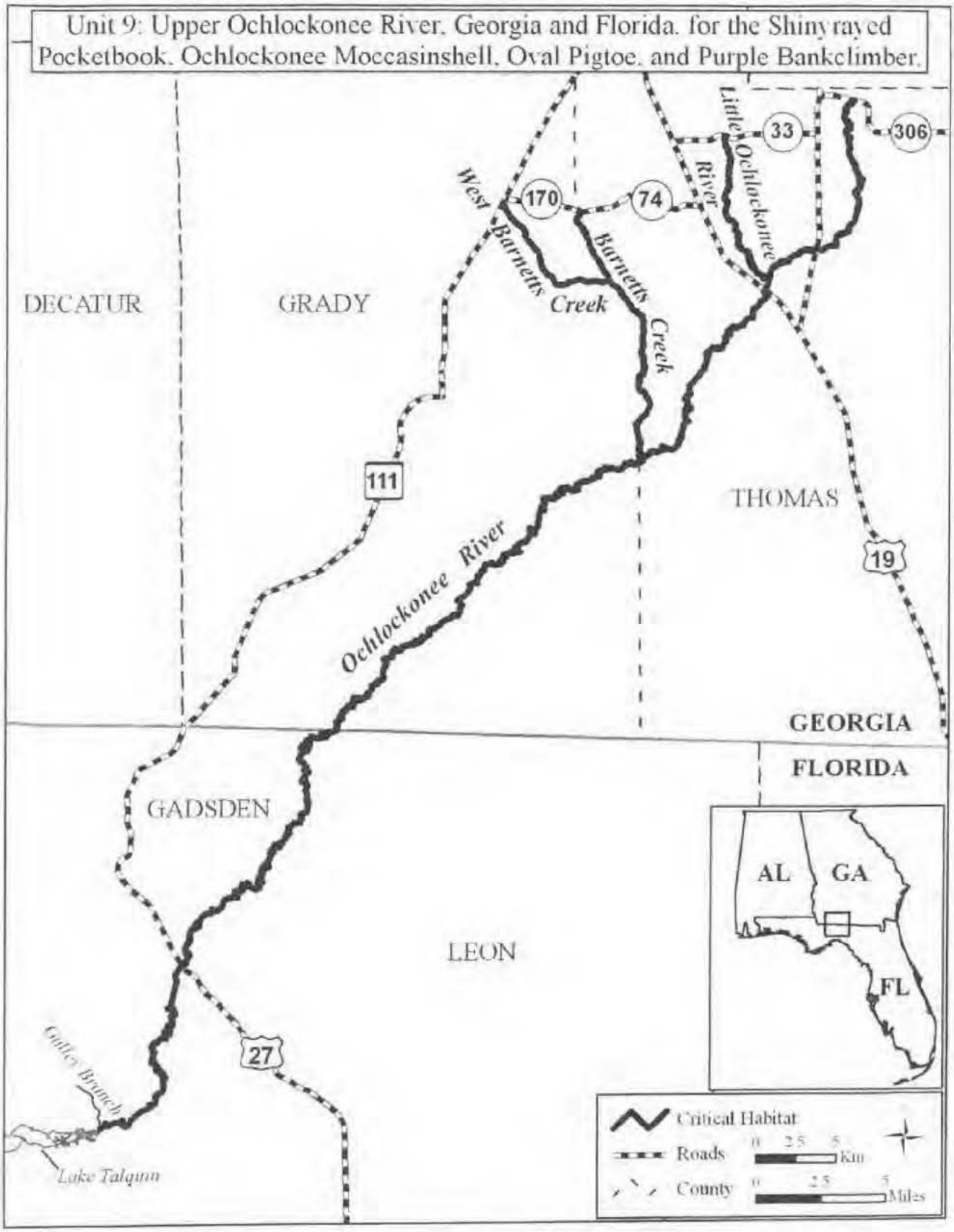
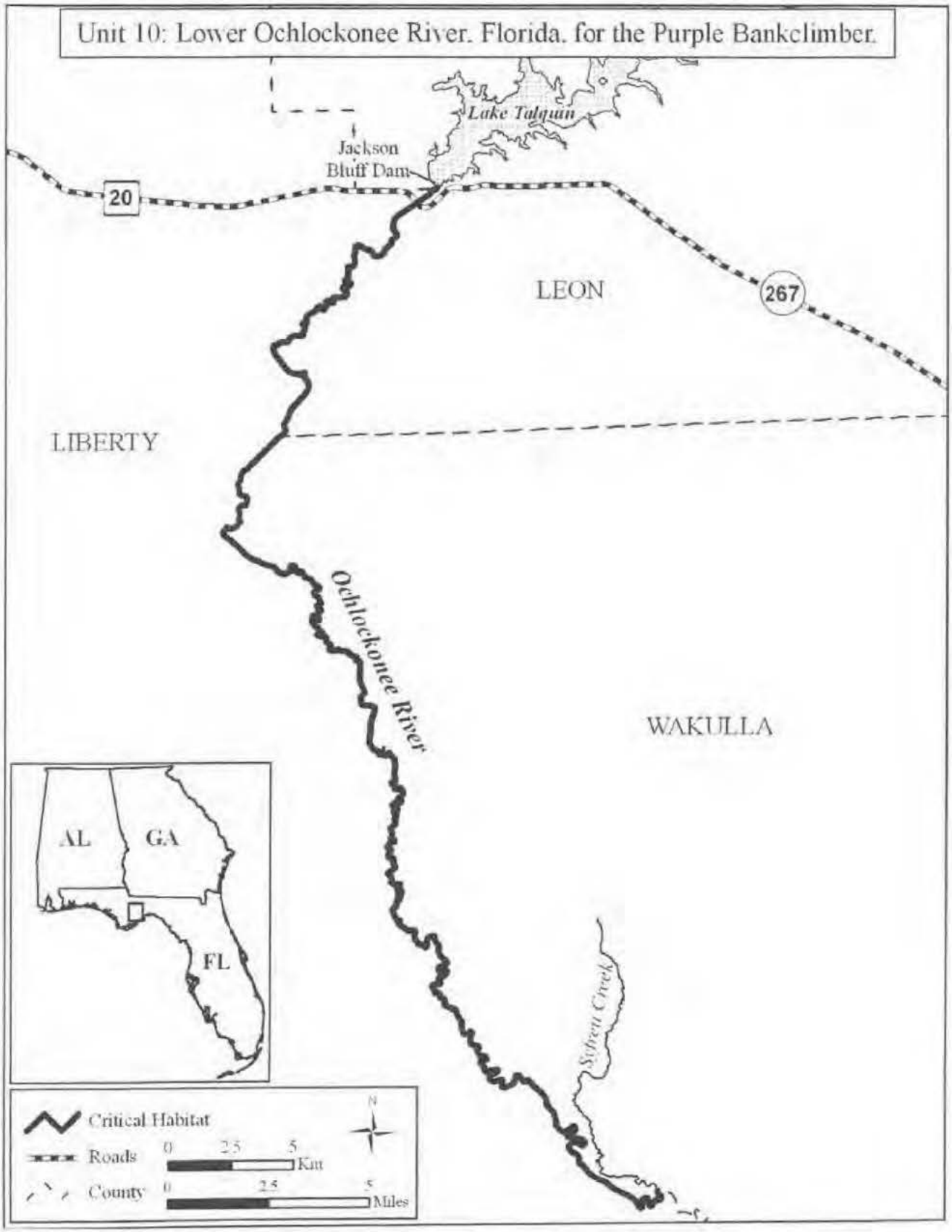

Unit 2: Chipola River, Alabama and Florida, for the Fat Threeridge, Shinyrayed Pocketbook, Gulf Moccasinshell, Oval Pigtoe, and Chipola Slabshell.
Limestone Ck
HOUSTON
Big Ck
Cowarts Ck
ALABAMA
GEORGIA
FLORIDA
Marshall Ck
Waddells Mill Ck
Russ Mill Ck
JACKSON
Tanner Springs
Baker Ck
Little Rocky Ck
Dry Ck
Rocky Ck
Ditch Branch
10
Apalachicola River
CALHOUN
Chipola River
LIBERTY
AL
GA
FL
GULF
Critical Habitat
Roads
State
County
0 4 8 Km
0 4 8 Miles



BILLING CODE 4310–55–C


Unit 9: Upper Ochlockonee River, Georgia and Florida, for the Shinyrayed Pocketbook, Ochlockonee Moccasinshell, Oval Pigtoe, and Purple Bankclimber.
DECATUR
GRADY
THOMAS
GADSDEN
LEON
GEORGIA
FLORIDA
West Barnetts Creek
Barnetts Creek
Little Ochlockonee River
Ochlockonee River
Gallev Branch
Lake Talquin
33
306
170
74
111
19
27
AL
GA
FL
Critical Habitat
Roads
County
0 2.5 5 Km
0 2.5 5 Miles


Unit 10: Lower Ochlockonee River, Florida, for the Purple Bankclimber.
Lake Talquin
Jackson Bluff Dam
20
LEON
267
LIBERTY
Ochlockonee River
WAKULLA
Sybert Creek
AL
GA
FL
Critical Habitat
Roads
County
N
0 2.5 5 Km
0 2.5 5 Miles

* * * * *

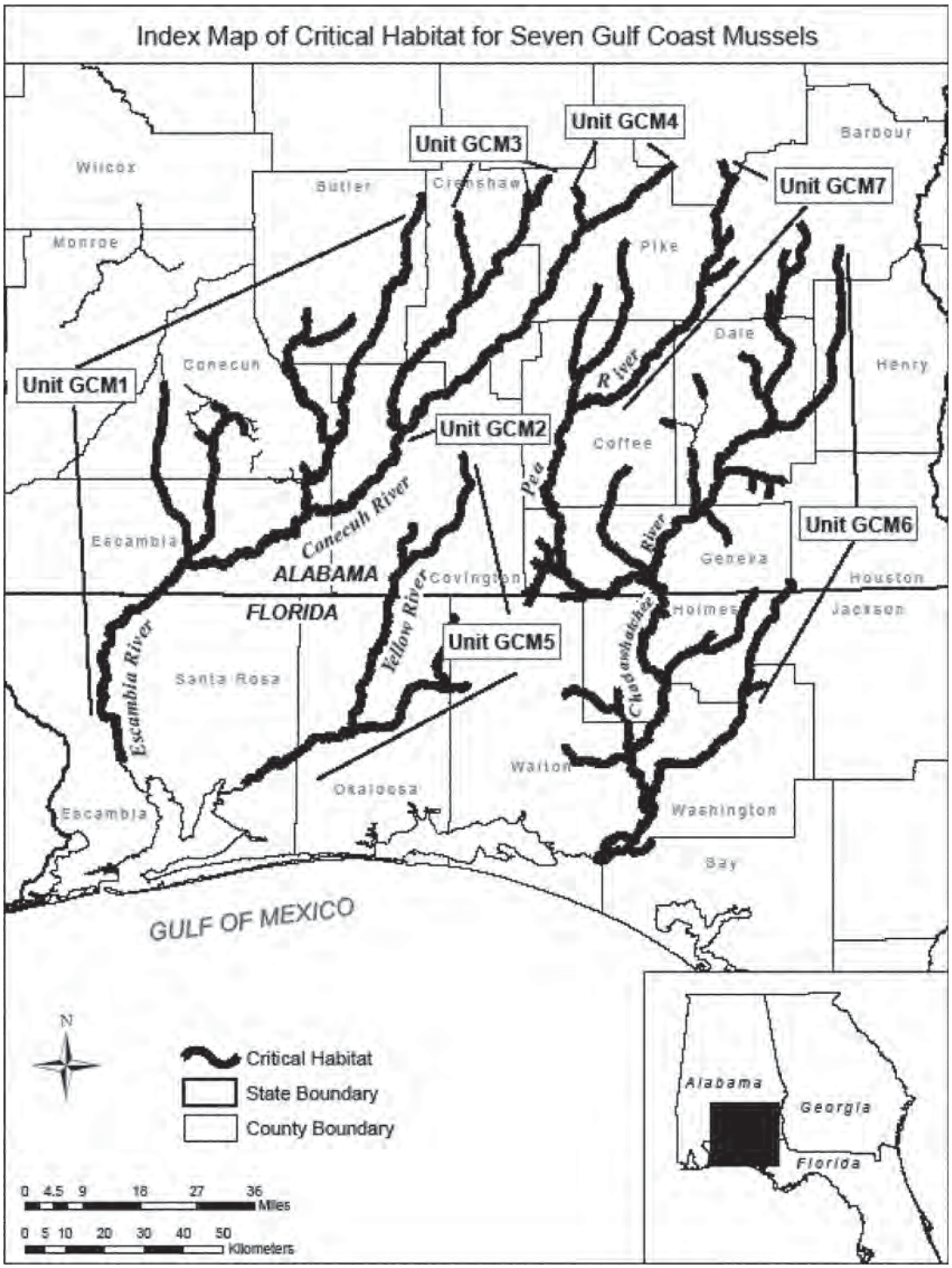
Dated: October 31, 2007.

David M. Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 07–5551 Filed 11–14–07; 8:45 am]

BILLING CODE 4310–55–C

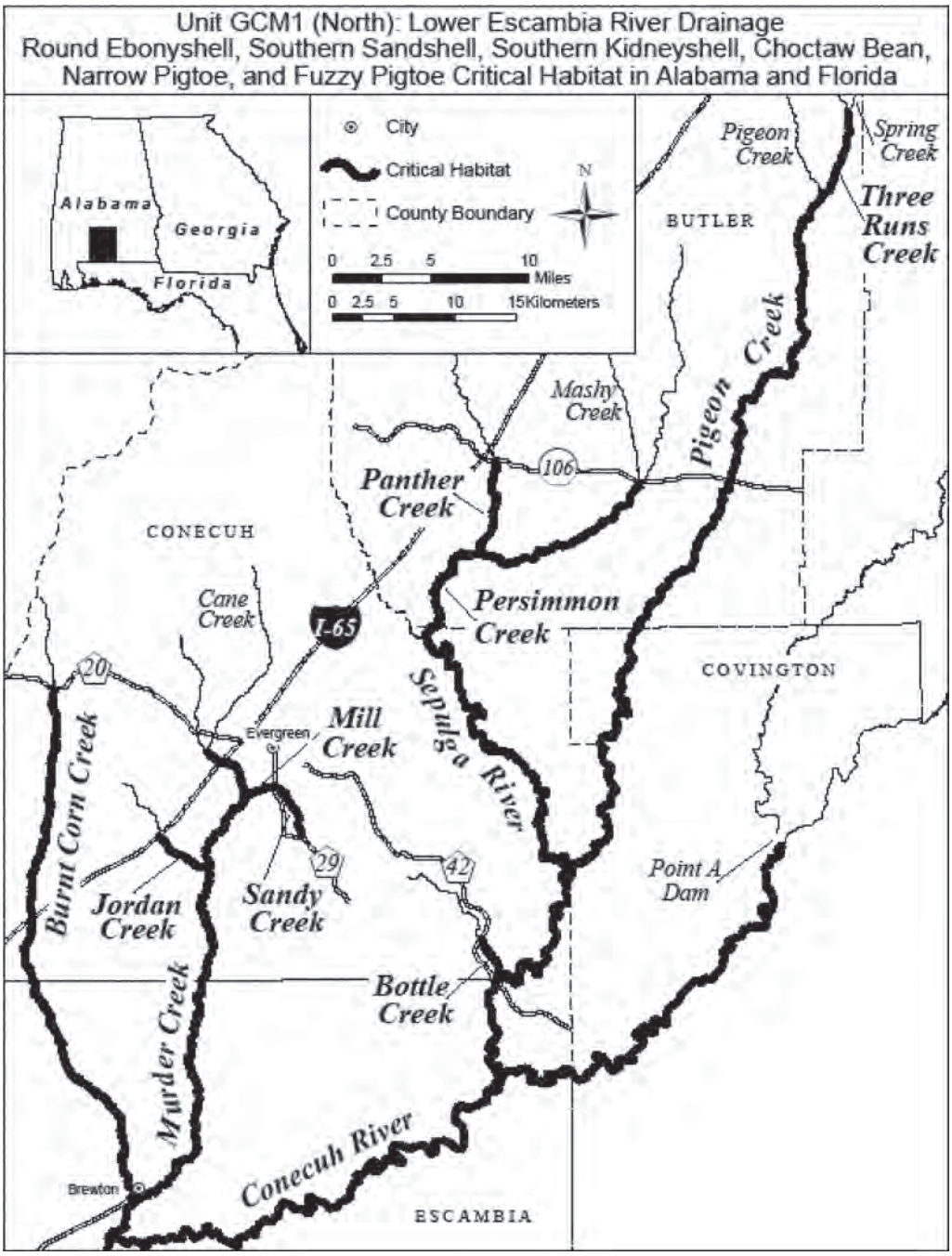


(6) Unit AP1: Big Flat Creek Drainage, Monroe and Wilcox Counties, AL. This unit is critical habitat for the Alabama pearlshell.

(i) The unit includes the mainstem of Big Flat Creek from State Route 41 upstream 56 kilometers (km) (35 miles (mi)), Monroe County, AL; Flat Creek from its confluence with Big Flat Creek upstream 20 km (12 mi), Monroe County, AL; and Dailey Creek from its confluence Flat Creek upstream 17 km (11 mi), Monroe and Wilcox Counties, AL.

(ii) Map of Unit AP1, Big Flat Creek Drainage, and Unit AP2, Burnt Corn Creek, Murder Creek, and Sepulga River drainages, follows:


Unit GCM1 (South): Lower Escambia River Drainage
Round Ebonyshell, Southern Sandshell, Southern Kidneyshell, Choctaw Bean, Narrow Pigtoe, and Fuzzy Pigtoe Critical Habitat in Alabama and Florida
Conecuh River
ALABAMA
FLORIDA
ESCAMBIA
ESCAMBIA
31
4
89
95
197
Chumuckla Springs
Chumuckla Rd
Escambia River
SANTA ROSA
Spanish Mill Creek
Critical Habitat
0 2.5 5 Miles
0 2.5 5 10 Kilometers
N
Alabama
Georgia
Florida



(9) Unit GCM2: Point A Lake and Gantt Lake Reservoirs in Covington County, AL. This unit is critical habitat for the narrow pigtoe.

(i) The unit extends from Point A Dam, Covington County, upstream 21 km (13 mi) to the Covington-Crenshaw County line, AL.

(ii) Map of Unit GCM2, Point A Lake and Gantt Lake Reservoirs, follows:

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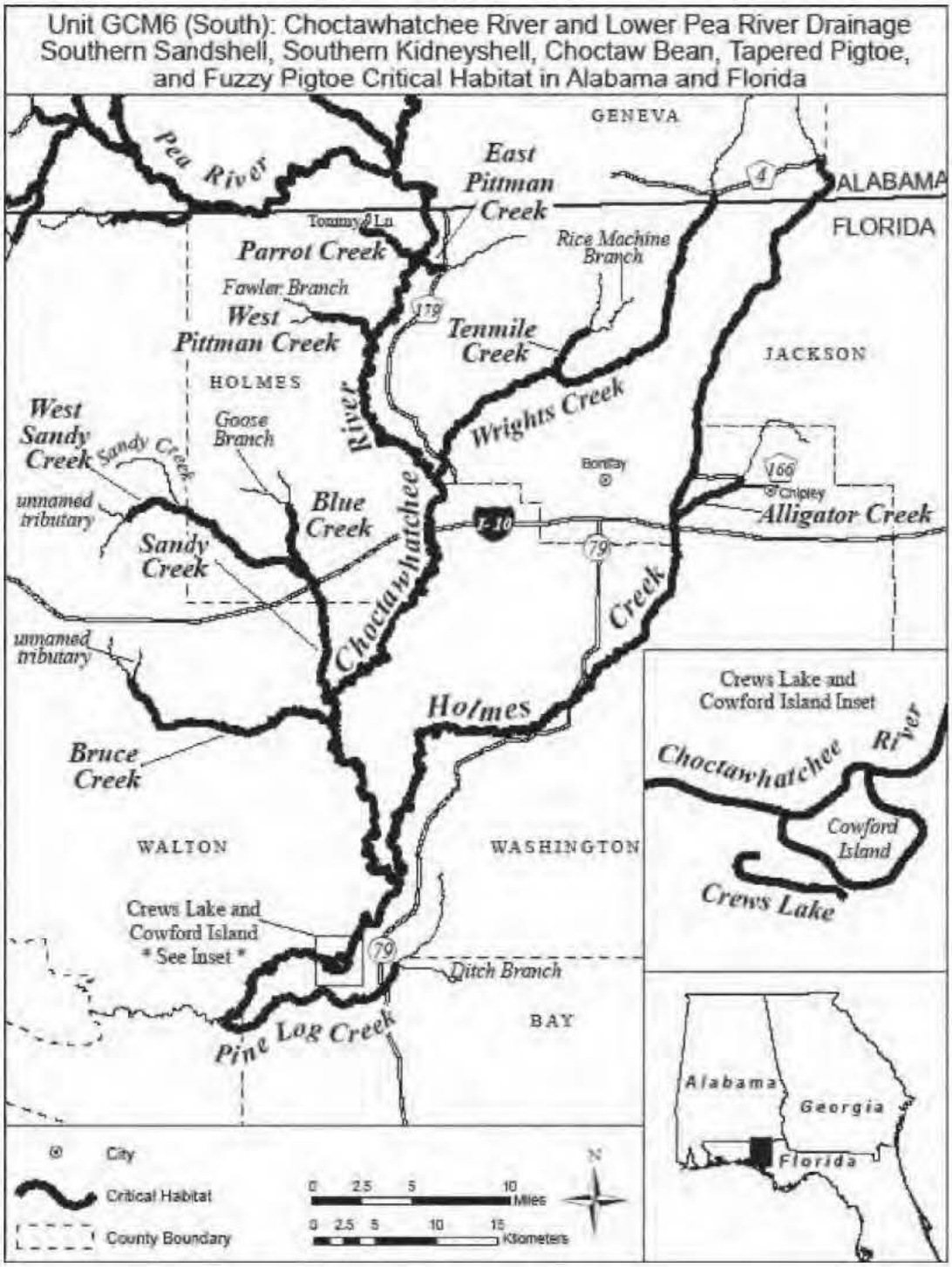
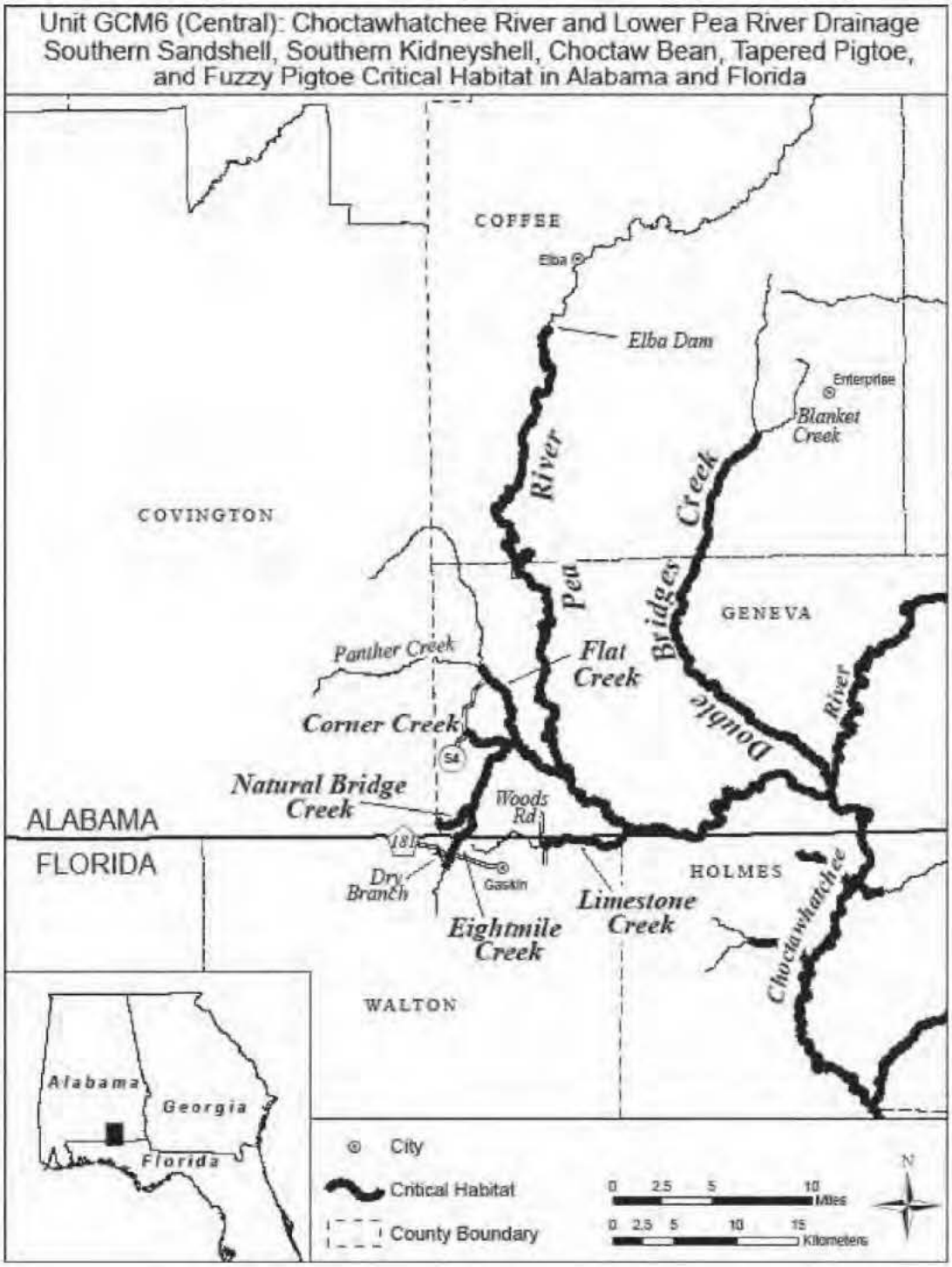
(13) Unit GCM6: Choctawhatchee River and Lower Pea River Drainages in Walton, Washington, Bay, Holmes, and Jackson Counties, FL, and Geneva, Coffee, Dale, Houston, Henry, Pike, and Barbour Counties, AL. This unit is critical habitat for the southern kidneyshell, Choctaw bean, tapered pigtoe, southern sandshell, and fuzzy pigtoe.

(i) The unit includes the Choctawhatchee River mainstem from the confluence of Pine Log Creek, Walton County, FL, upstream 200 km (125 mi) to the point the river splits into the West Fork Choctawhatchee and East Fork Choctawhatchee rivers, Barbour County, AL; Pine Log Creek from its confluence with the Choctawhatchee River, Walton County, upstream 19 km (12 mi) to Ditch Branch, Washington and Bay Counties, FL; an unnamed channel forming Cowford Island from its downstream confluence with the Choctawhatchee River upstream 3 km (2 mi) to its upstream confluence with the river, Washington County, FL; Crews Lake from its western terminus 1.5 km (1 mi) to its eastern terminus, Washington County, FL (Crews Lake is a relic channel southwest of Cowford Island, and is disconnected from the Cowford Island channel, except during high flows); Holmes Creek from its


Unit GCM6 (South): Choctawhatchee River and Lower Pea River Drainage
Southern Sandshell, Southern Kidneyshell, Choctaw Bean, Tapered Pigtoe,
and Fuzzy Pigtoe Critical Habitat in Alabama and Florida
GENEVA
ALABAMA
FLORIDA
Pea River
East Pittman Creek
Tommy Ln
Parrot Creek
Rice Machine Branch
Fowler Branch
West Pittman Creek
179
Tenmile Creek
JACKSON
HOLMES
West Sandy Creek
Sandy Creek
Goose Branch
Choctawhatchee River
Wrights Creek
Bonifay
166
Chipley
Alligator Creek
unnamed tributary
Blue Creek
I-10
Sandy Creek
79
Creek
unnamed tributary
Holmes
Bruce Creek
WALTON
WASHINGTON
Crews Lake and Cowford Island
* See Inset *
Ditch Branch
BAY
Pine Log Creek
Crews Lake and Cowford Island Inset
Choctawhatchee River
Cowford Island
Crews Lake
Alabama
Georgia
Florida
City
Critical Habitat
County Boundary
0 2.5 5 10 Miles
0 2.5 5 10 15 Kilometers
N


Unit GCM6 (Central): Choctawhatchee River and Lower Pea River Drainage
Southern Sandshell, Southern Kidneyshell, Choctaw Bean, Tapered Pigtoe,
and Fuzzy Pigtoe Critical Habitat in Alabama and Florida
COFFEE
Elba
Elba Dam
Enterprise
Blanket Creek
Pea River
Bridges Creek
COVINGTON
GENEVA
Panther Creek
Flat Creek
Double River
Corner Creek
54
Natural Bridge Creek
Woods Rd
ALABAMA
FLORIDA
181
Dry Branch
Gaskin
Eightmile Creek
Limestone Creek
HOLMES
Choctawhatchee
WALTON
Alabama
Georgia
Florida
City
Critical Habitat
County Boundary
0 2.5 5 10 Miles
0 2.5 5 10 15 Kilometers
N

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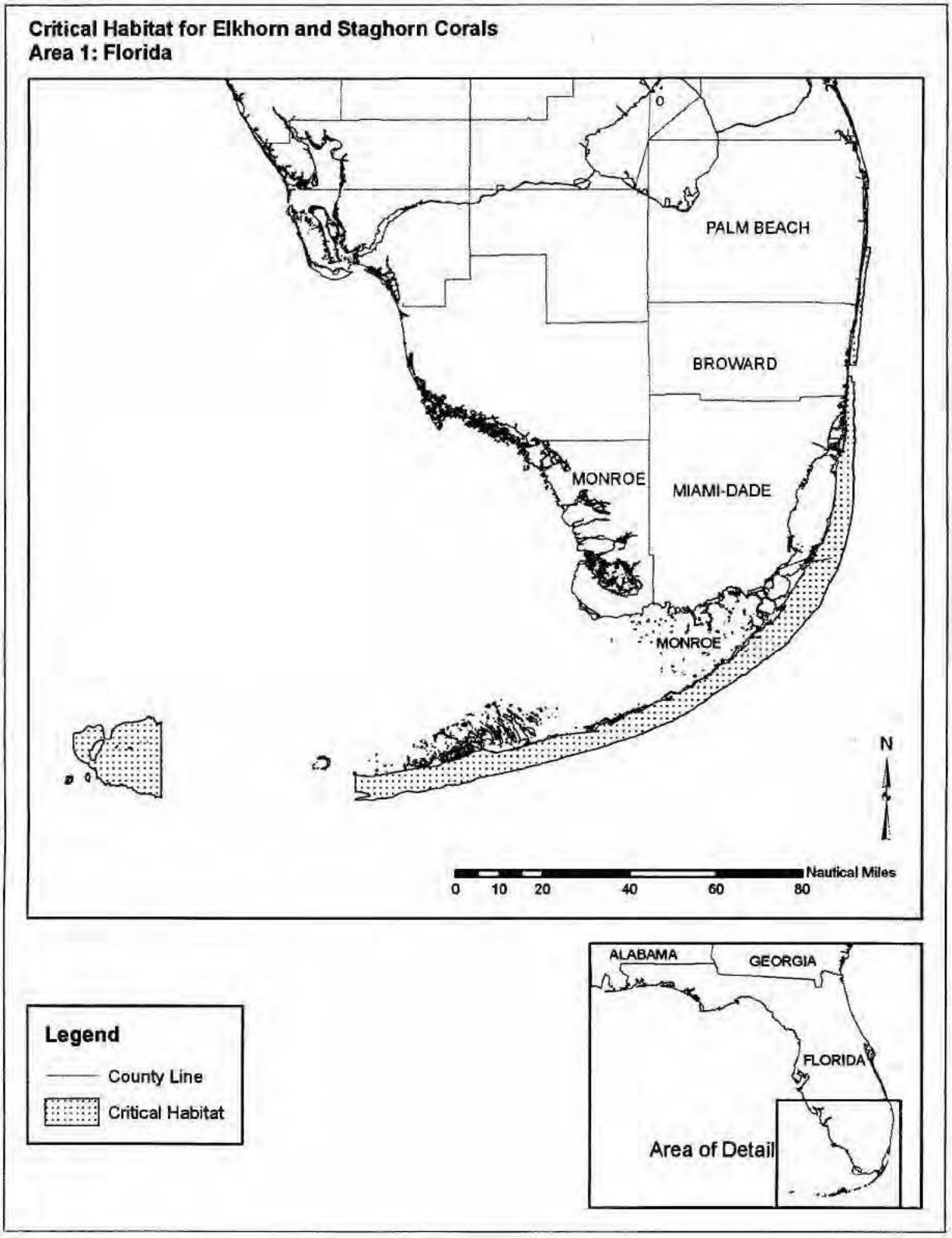
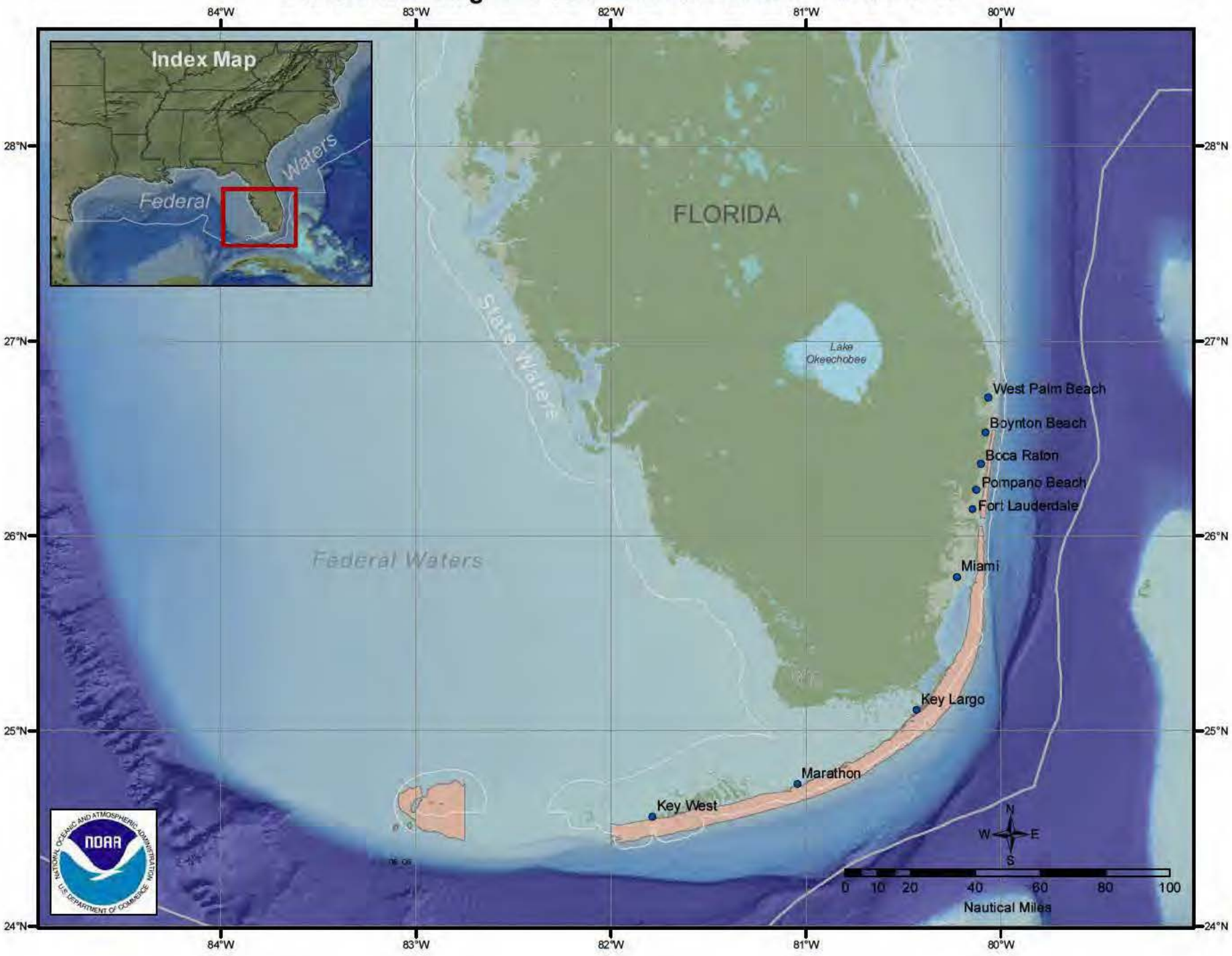
Attachment 20

Acropora spp. Critical Habitat Maps.


Critical Habitat for Elkhorn and Staghorn Corals
Area 1: Florida
PALM BEACH
BROWARD
MONROE
MIAMI-DADE
MONROE
N
Nautical Miles
0 10 20 40 60 80
Legend
County Line
Critical Habitat
ALABAMA
GEORGIA
FLORIDA
Area of Detail

Elkhorn and Staghorn Coral Critical Habitat - Florida Unit



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Attachment 21

Acropora spp. Critical Habitat Essential Features/PCEs

These pages are extract from the National Marine Fisheries Services' Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017.
Gray box shows text not applicable to Table 7

Marine Mammals			
North Atlantic right whale	E	P	NP
Blue whale	E	P	P
Fin whale	E	P	P
Sei whale	E	P	P
Sperm whale	E	P	P
Bryde's whale (proposed)	E	P	NP
E = endangered; T = threatened, P = Present, NP = Not Present			

Table 6. Designated Critical Habitat NMFS Believes is In or Near the Action Area

Species	Unit in Florida	Unit in U.S. Caribbean
Smalltooth sawfish	• Charlotte Harbor Estuary (CHEU).. • Ten Thousand Islands/ Everglades (TTIEU)..	N/A
Gulf sturgeon	Units 9-14[10]	N/A
Loggerhead sea turtle (NWA DPS)	• Nearshore Reproductive Habitat: Units.. LOGG-N-14 to 32.. • Breeding Habitat: Units LOGG-N-17, 19 • Migratory Habitat: Units LOGG-N-17, 18, 19.. • *Sargassum* Habitat: Unit LOGG-S-01..	N/A
Green sea turtle (NA DPS)	N/A	Culebra Island
Hawksbill sea turtle	N/A	Mona and Monita Island
Leatherback sea turtle	N/A	St Croix Island
Staghorn and elkhorn coral	Area 1: Florida	• Area 2: Puerto Rico and.. Associated Islands.. • Area 3: St. John/St. Thomas, U.S. Virgin Islands • Area 4: St. Croix, U.S... Virgin Islands..
Johnson's seagrass	Units A-J	N/A
North Atlantic right whale	Unit 2	N/A
Atlantic sturgeon	South Atlantic Unit 7[11]	N/A
N/A = Not applicable		

Table 7 (below) provides a complete list of the essential features/primary constituent elements (PCEs) of each critical habitat unit that occurs in Florida and the U.S. Caribbean. Note that the table below refers to both essential features and PCEs of critical habitat. This duality of terms is

[10] Gulf sturgeon critical habitat is under the joint jurisdiction of the USFWS and NMFS, with the USFWS managing riverine habitat and NMFS managing estuarine and marine habitats. Units 9-14 are the only areas under NMFS's jurisdiction that are found in the action area.

[11] The South Atlantic Unit 7 (St. Marys Unit) includes the St. Marys River in (1) Camden and Charlton Counties in Georgia and (2) Baker and Nassau Counties in Florida.

because the USFWS uses the term "PCE" and NMFS uses "essential features" when describing critical habitat. When we develop a critical habitat rule jointly with USFWS, the term PCE is often used. Recent amendments to the Services' joint regulations implementing the ESA, however, removed reference to "primary constituent elements" (81 FR 7414, Feb. 11, 2016). As we explained in the final rule, removing this phrase is not intended to substantively alter anything about the designation of critical habitat, but to eliminate redundancy in how we describe the physical or biological features. New critical habitat rules will describe physical biological features (PBFs) to help identify habitat essential to the conservation of the species. In this Opinion, we refer to the features as they were described in the rule designating that critical habitat. For example, the Gulf sturgeon critical habitat rule refers to PCEs, and thus we have used that term in the table below. Critical habitat boundary maps are available at http://sero.nmfs.noaa.gov/maps_gis_data/protected_resources/critical_habitat/index.html.

Table 7. Essential Features/PCEs/PBFs of Each Critical Habitat Unit in Florida and the U.S. Caribbean

Smalltooth sawfish (74 FR 45353, Sept. 2, 2009)	The physical and biological features essential to the conservation of the U.S. DPS of smalltooth sawfish, which provide nursery area functions are: red mangroves and shallow euryhaline habitats characterized by water depths between the Mean High Water line and 3 ft (0.9 m) measured at Mean Lower Low Water (MLLW). These features are included in critical habitat within the boundaries of the specific areas in paragraph (b) of this section, except where the features were not physically accessible to sawfish at the time of this designation (September 2009); for example, areas where existing water control structures prevent sawfish passage to habitats beyond the structure.
Gulf sturgeon (68 FR 13370, March 19, 2003)	Based on the best available information, there are 7 PCEs essential for the conservation of the Gulf sturgeon. Only the following 4 are under NMFS's jurisdiction: 1. Abundant prey items within estuarine and marine habitats and substrates for juvenile, subadult, and adult life stages; 2. Water quality, including temperature, salinity, pH, hardness, turbidity, oxygen content, and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages; 3. Sediment quality, including texture and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages; and 4. Safe and unobstructed migratory pathways necessary for passage within and between riverine, estuarine, and marine habitats (e.g., a river unobstructed by any permanent structure, or a dammed river that still allows for passage).

Loggerhead sea turtle (79 FR 39855, July 10, 2014)	1. Nearshore reproductive habitat: The PBF of nearshore reproductive habitat as a portion of the nearshore waters adjacent to nesting beaches that are used by hatchlings to egress to the open-water environment as well as by nesting females to transit between beach and open water during the nesting season. The following PCEs support this habitat: (i) Nearshore waters directly off the highest density nesting beaches and their adjacent beaches, as identified in 50 CFR 17.95(c), to 1.6 kilometer (km) offshore; (ii) Waters sufficiently free of obstructions or artificial lighting to allow transit through the surf zone and outward toward open water; and (iii) Waters with minimal man-made structures that could promote predators (i.e., nearshore predator concentration caused by submerged and emergent offshore structures), disrupt wave patterns necessary for orientation, and/or create excessive longshore currents. 2. Winter areas: Florida does not contain any winter areas. 3. Breeding areas: the PBF of concentrated breeding habitat as those sites with high densities of both male and female adult individuals during the breeding season. PCEs that support this habitat are the following: (i) High densities of reproductive male and female loggerheads; (ii) Proximity to primary Florida migratory corridor; and (iii) Proximity to Florida nesting grounds. 4. Constricted migratory habitat: the PBF of constricted migratory habitat as high use migratory corridors that are constricted (limited in width) by land on one side and the edge of the continental shelf and Gulf Stream on the other side. PCEs that support this habitat are the following: (i) Constricted continental shelf area relative to nearby continental shelf waters that concentrate migratory pathways; and (ii) Passage conditions to allow for migration to and from nesting, breeding, and/or foraging areas. 5. *Sargassum* habitat: the PBF of loggerhead *Sargassum* habitat as developmental and foraging habitat for young loggerheads where surface waters form accumulations of floating material, especially *Sargassum.* PCEs that support this habitat are the following: (i) Convergence zones, surface-water downwelling areas, the margins of major boundary currents (Gulf Stream), and other locations where there are concentrated components of the *Sargassum* community in water temperatures suitable for the optimal growth of *Sargassum* and inhabitance of loggerheads; (ii) *Sargassum* in concentrations that support adequate prey abundance and cover; (iii) Available prey and other material associated with *Sargassum* habitat including, but not limited to, plants and cyanobacteria and animals native to the *Sargassum* community such as hydroids and copepods; and (iv) Sufficient water depth and proximity to available currents to ensure offshore transport (out of the surf zone), and foraging and cover requirements by *Sargassum* for post-hatchling loggerheads, i.e., > 10-m depth.

Acropora (Staghorn and elkhorn coral) (73 FR 72210, Nov. 26, 2008)	The physical feature essential to the conservation of elkhorn and staghorn corals is: substrate of suitable quality and availability to support larval settlement and recruitment, and reattachment and recruitment of asexual fragments. "Substrate of suitable quality and availability" is defined as natural consolidated hard substrate or dead coral skeleton that is free from fleshy or turf macroalgae cover and sediment cover.
Johnson's seagrass (65 FR 17786, April 5, 2000)	Based on the best available information, general physical and biological features of the critical habitat areas include adequate water quality, salinity levels, water transparency, and stable, unconsolidated sediments that are free from physical disturbance.
North Atlantic right whale (81 FR 4837, Jan. 27, 2016)	Critical habitat includes 2 areas (Units) located in the Gulf of Maine and Georges Bank Region (Unit 1) and off the coast of North Carolina, South Carolina, Georgia and Florida (Unit 2). Only Unit 2 occurs within the action area. The physical features essential to the conservation of the North Atlantic right whale, which provide calving area functions in Unit 2, are: 1. Sea surface conditions associated with Force 4 or less on the Beaufort Scale 2. Sea surface temperatures of 7°C to 17°C 3. Water depths of 20-92 ft (6- 28 m), where these features simultaneously co-occur over contiguous areas of at least 231 squared nautical miles (nmi^2) of ocean waters during the months of November through April. When these features are available, they are selected by right whale cows and calves in dynamic combinations that are suitable for calving, nursing, and rearing, and which vary, within the ranges specified, depending on factors such as weather and age of the calves.
Atlantic sturgeon (82 FR 39160, August 17, 2017)	The physical features essential for the conservation of Atlantic sturgeon belonging to the Carolina and South Atlantic DPSs are those habitat components that support successful reproduction and recruitment. These are: 1. Hard bottom substrate (e.g., rock, cobble, gravel, limestone, boulder, etc.) in low salinity waters (i.e., 0.0-0.5 parts per thousand range) for settlement of fertilized eggs and refuge, growth, and development of early life stages; 2. Aquatic habitat inclusive of waters with a gradual downstream gradient of 0.5 up to as high as 30 parts per thousand and soft substrate (e.g., sand, mud) between the river mouth and spawning sites for juvenile foraging and physiological development; 3. Water of appropriate depth and absent physical barriers to passage (e.g., locks, dams, thermal plumes, turbidity, sound, reservoirs, gear, etc.) between the river mouth and spawning sites necessary to support: (i) Unimpeded movement of adults to and from spawning sites; (ii) Seasonal and physiologically dependent movement of juvenile

	Atlantic sturgeon to appropriate salinity zones within the river estuary; and (iii) Staging, resting, or holding of subadults or spawning condition adults. Water depths in main river channels must also be deep enough (at least 1.2 meters) to ensure continuous flow in the main channel at all times when any sturgeon life stage would be in the river; 4. Water quality conditions, especially in the bottom meter of the water column, with temperature and oxygen values that support: (i) Spawning; (ii) Annual and inter-annual adult, subadult, larval, and juvenile survival; and (iii) Larval, juvenile, and subadult growth, development, and recruitment. Appropriate temperature and oxygen values will vary interdependently, and depending on salinity in a particular habitat. For example, 6.0 mg/L dissolved oxygen or greater likely supports juvenile rearing habitat, whereas dissolved oxygen less than 5.0 mg/L for longer than 30 days is less likely to support rearing when water temperature is greater than 25°C. In temperatures greater than 26°C, dissolved oxygen greater than 4.3 mg/L is needed to protect survival and growth. Temperatures of 13 to 26 °C likely support spawning habitat.
Green sea turtle (63 FR 46693, Sept. 2,1998)	Critical habitat for the green sea turtle is designated in the waters surrounding the island of Culebra, Puerto Rico, from the mean high water line (MHWL) seaward to 3 nmi. These waters include Culebra's outlying Keys, including Cayo Norte, Cayo Ballena, Cayos Geniquí, Isla Culebrita, Arrecife Culebrita, Cayo de Luís Peña, Las Hermanas, El Mono, Cayo Lobo, Cayo Lobito, Cayo Botijuela, Alcarraza, Los Gemelos, and Piedra Steven. At the time of designation, essential features to critical habitat were not precisely defined; however, the critical habitat was designated to provide protection for important developmental and resting habitats. Juvenile and adult green sea turtles depend on seagrasses as the principal dietary component for foraging. In addition, coral reefs and other topographic features within the waters around Culebra Island and surrounding islands and cays provide green turtles with shelter during interforaging periods that serve as refuge from predators. On April 6, 2016, NMFS published a final rule listing 11 DPSs of the green sea turtle, including the NA DPS. 81 FR 20058; April 6, 2016. NMFS will issue a rule designating critical habitat for the DPSs in a future rulemaking. In the interim, the existing critical habitat designation described herein remains in effect for the NA DPS of green sea turtles.
Hawksbill sea turtles (63 FR 46693,	Critical habitat for the hawksbill sea turtle has been designated in the waters surrounding the islands of Mona and Monito, Puerto Rico, from the MHWL seaward to 3 nmi. At the time of designation, essential features to critical

Sept. 2, 1998)	habitat were not precisely defined; however, the critical habitat was designated to provide protection for important developmental and resting habitats. Hawksbill sea turtles depend on sponges as their principal dietary component and healthy coral reefs for foraging and shelter habitats.
Leatherback sea turtles (44 FR 8491, March 23, 1979)	Critical habitat for the leatherback sea turtle has been designated in the waters adjacent to Sandy Point on the southwest corner of St. Croix, U.S. Virgin Islands, in waters from the 100-fathom curve shoreward to the level of mean high tide, with boundaries at 17°42′12"N and 64°50′00″W. At the time of designation, essential features to critical habitat were not precisely defined; however, critical habitat for leatherback sea turtles was designated to provide protection to sea turtles using these waters for courting, breeding, and as access to and from nesting areas on Sandy Point Beach, St. Croix, U.S. Virgin Islands.

2.2 Activities Analyzed, Project Design Criteria, and Potential Routes of Effect

In this section of the Opinion, we describe the categories of activities under consultation, the PDCs that each activity must meet to be covered under this Opinion, and the expected effects of each category of activities on ESA-listed species and designated critical habitat. In particular, for each category of activity covered by this Opinion, we will provide the following information:

1. Activity Description: A general description of how the activity typically is implemented with sample photos and drawings. We are providing a general overview of the typical implementation for context; the installation materials, methods, and locations are limited by the PDCs.

2. PDCs: A description of the non-discretionary PDCs applicable to all projects covered under this Opinion. The general PDCs ensure that the covered activities meet certain thresholds designed to avoid or minimize impacts on ESA-listed species and critical habitat.

   In addition to the general PDCs, each of the 10 categories of covered activities is subject to additional activity-specific PDCs. Like the general PDCs, activity-specific PDCs are non-discretionary requirements for coverage under the Opinion that avoid or minimize the potential effects of permitted activities on ESA-listed species and designated critical habitat.

   All PDCs were developed based on information from the USACE's past permitting practices and review of consultations on USACE-authorized in-water construction activities in Florida and the U.S. Caribbean. The activity-specific PDCs are typical of measures used to protect ESA listed species and designated critical habitat and are substantially similar to the PDCs that NMFS included in other programmatic consultations with the USACE in the last 5 years including the SWPBO, 12 SAJ General Permit Programmatic, SAJ-42, SAJ-82, and SPGP IV-R1.

   In addition, PDCs designed to avoid or minimize effects on critical habitat are provided at the end of each category of activity when additional protections, beyond the general and activity-specific PDCs, are required to avoid or minimize effects on a particular critical habitat unit.

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Attachment 22

Johnson's Seagrass Critical Habitat Maps.

Johnson's Seagrass Critical Habitat

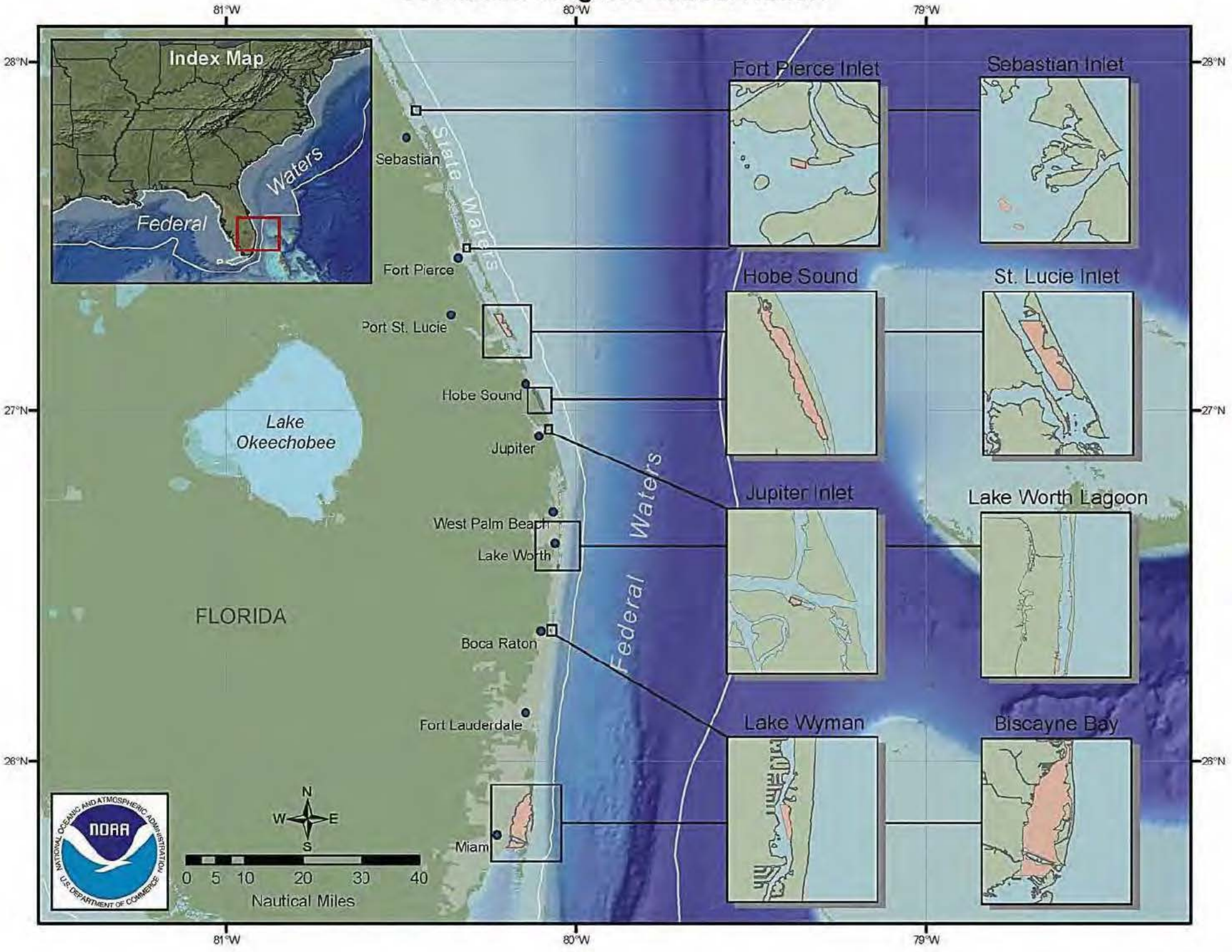


Figure 1

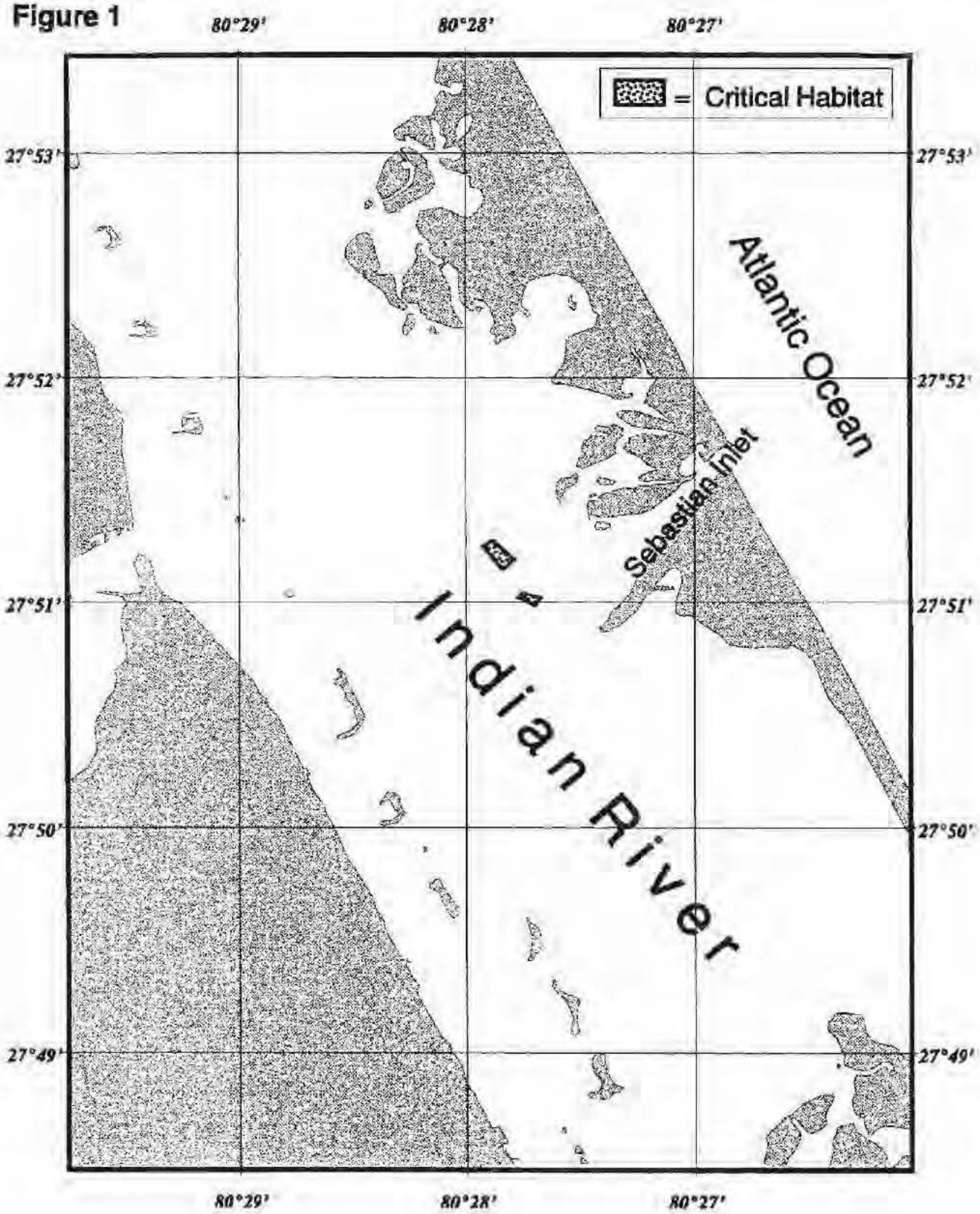

80°29'
80°28'
80°27'
= Critical Habitat
27°53'
27°52'
27°51'
27°50'
27°49'
Atlantic Ocean
Sebastian Inlet
Indian River

Figure 2

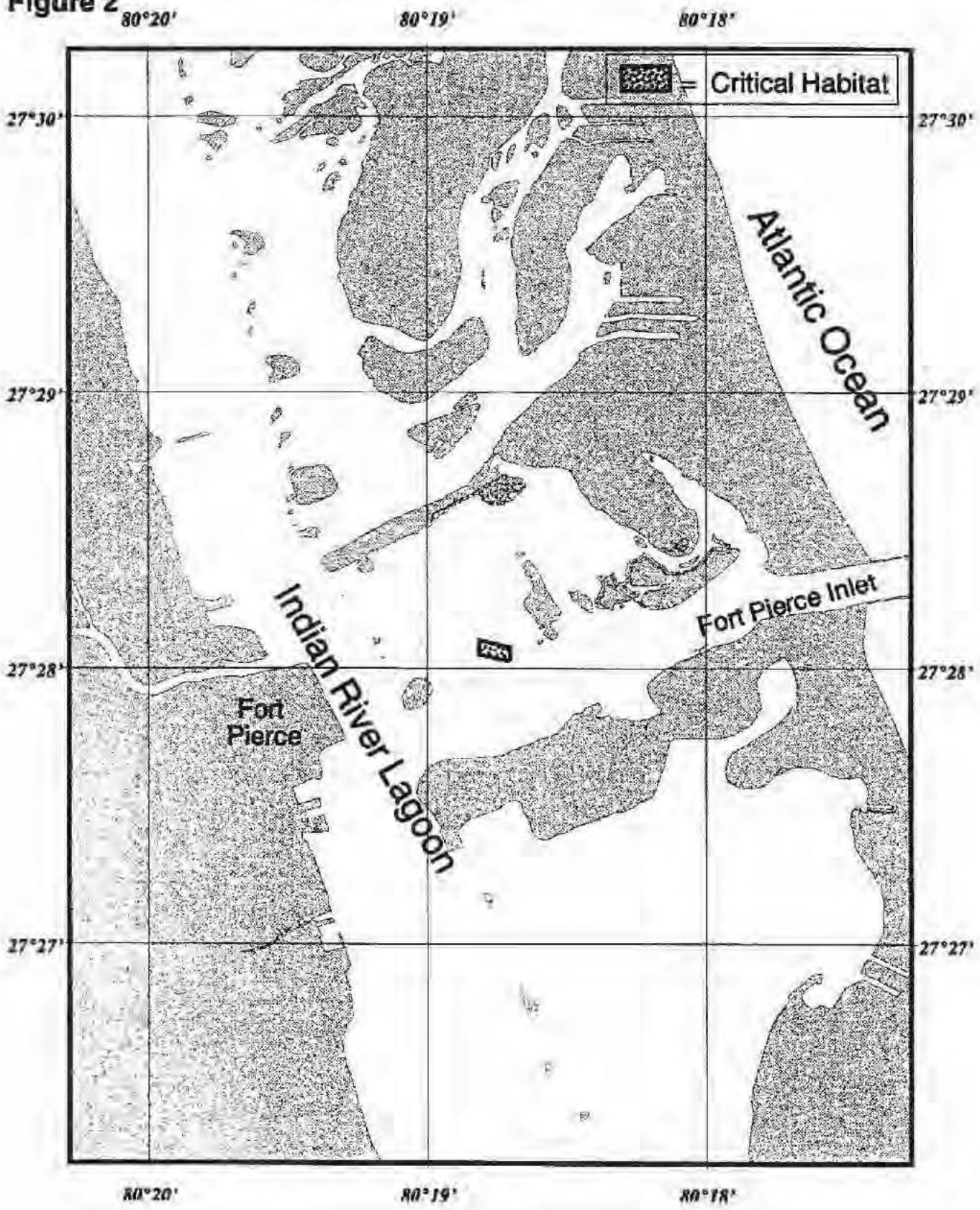

80°20'
80°19'
80°18'
= Critical Habitat
27°30'
27°29'
27°28'
27°27'
Atlantic Ocean
Fort Pierce Inlet
Indian River Lagoon
Fort Pierce
A1A

Figure 3

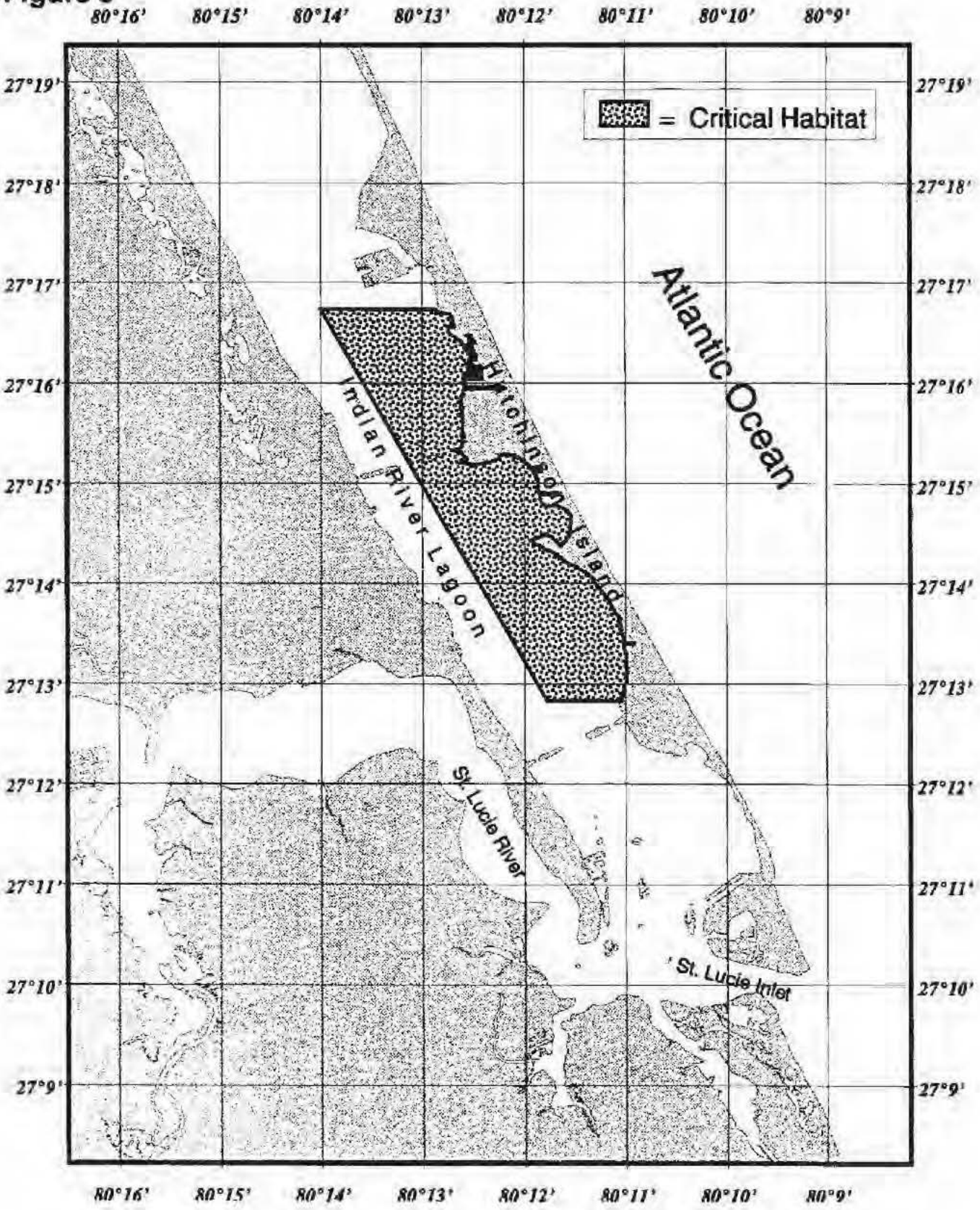

80°16'
80°15'
80°14'
80°13'
80°12'
80°11'
80°10'
80°9'
27°19'
27°18'
27°17'
27°16'
27°15'
27°14'
27°13'
27°12'
27°11'
27°10'
27°9'
= Critical Habitat
Atlantic Ocean
Hutchinson Island
Indian River Lagoon
St. Lucie River
St. Lucie Inlet

Figure 4

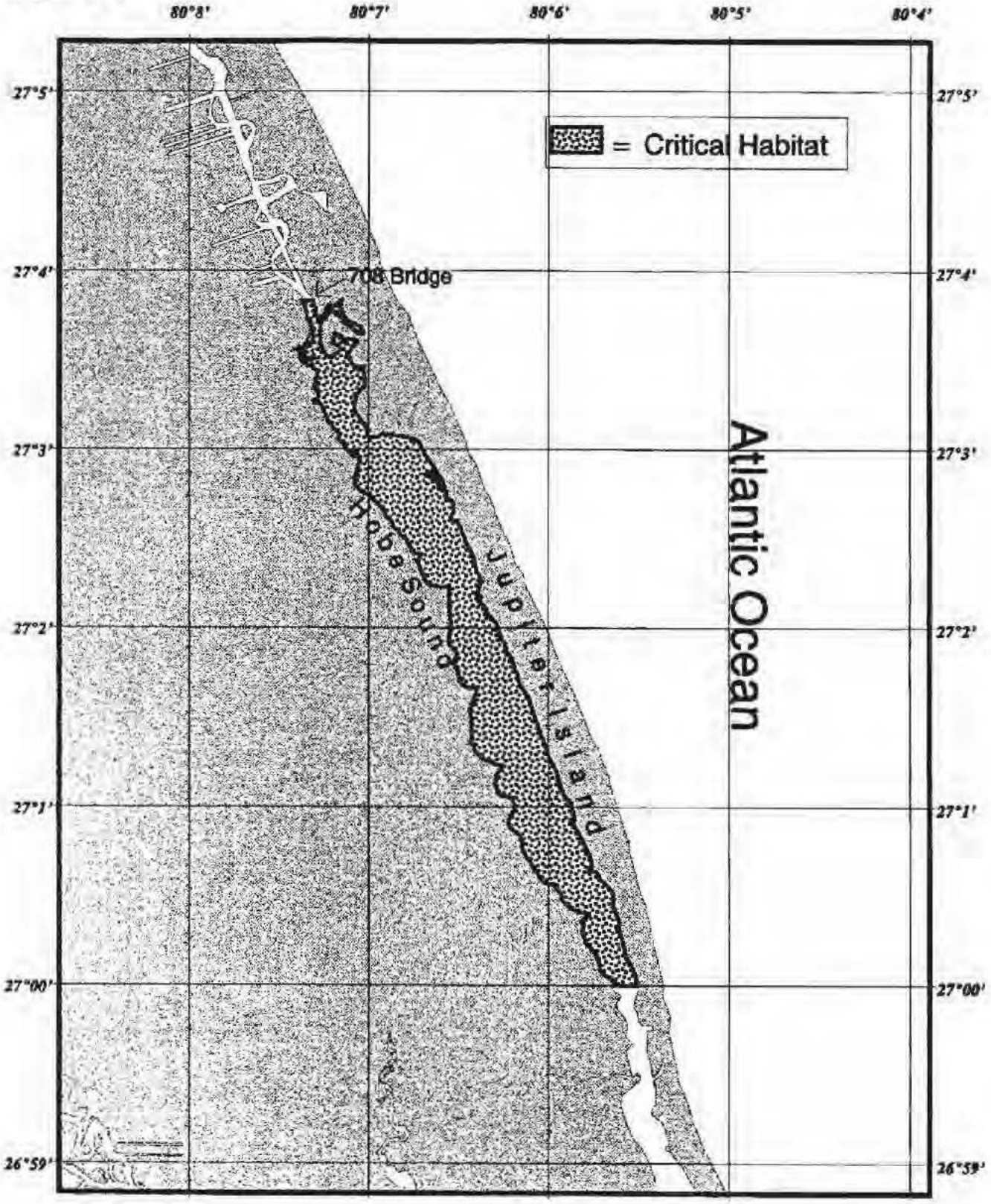

80°8'
80°7'
80°6'
80°5'
80°4'
27°5'
27°4'
27°3'
27°2'
27°1'
27°00'
26°59'
= Critical Habitat
708 Bridge
Jupiter Island
Hobe Sound
Atlantic Ocean

Figure 5

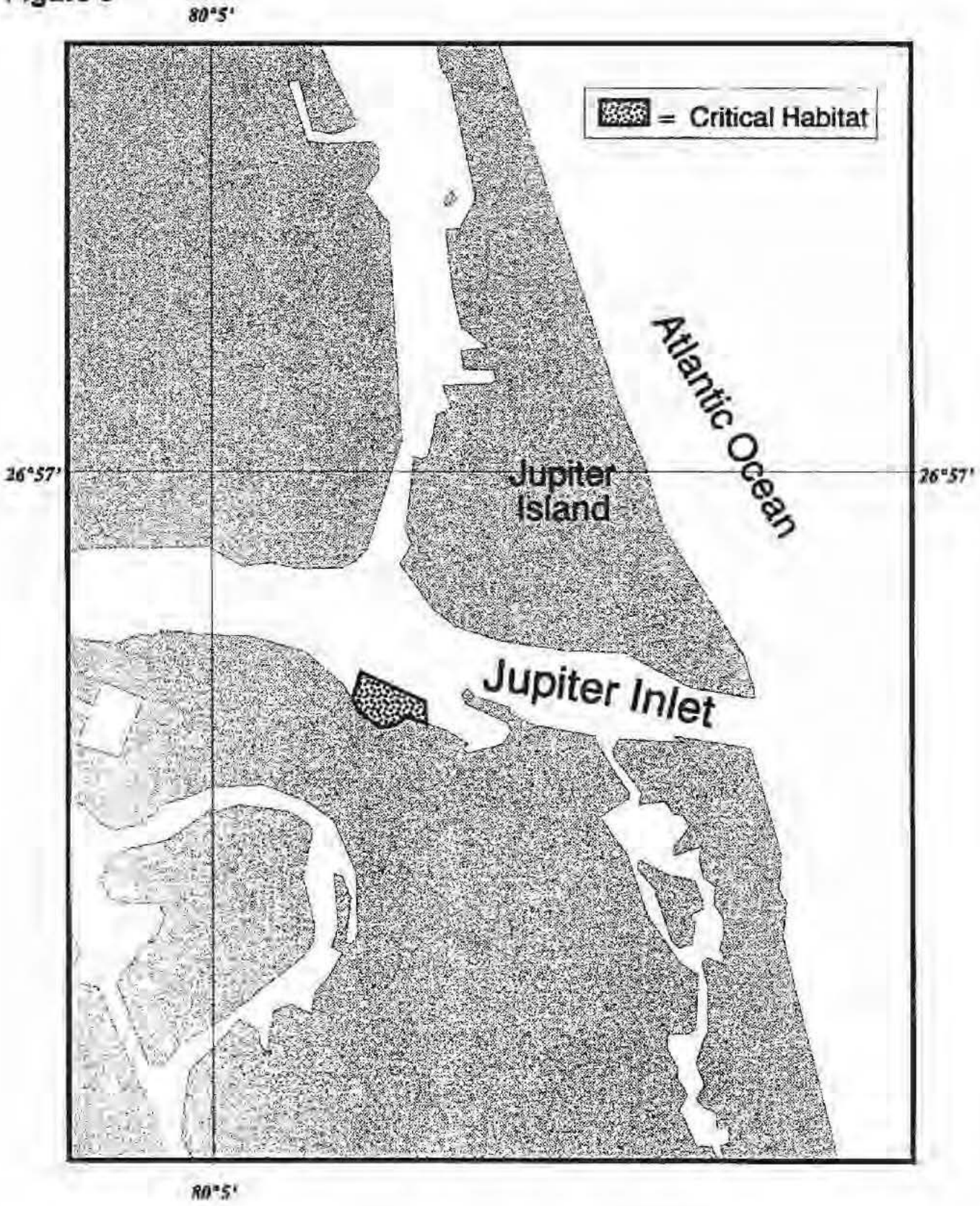

80°5'
= Critical Habitat
Atlantic Ocean
26°57'
Jupiter Island
26°57'
Jupiter Inlet
80°5'

Figure 6

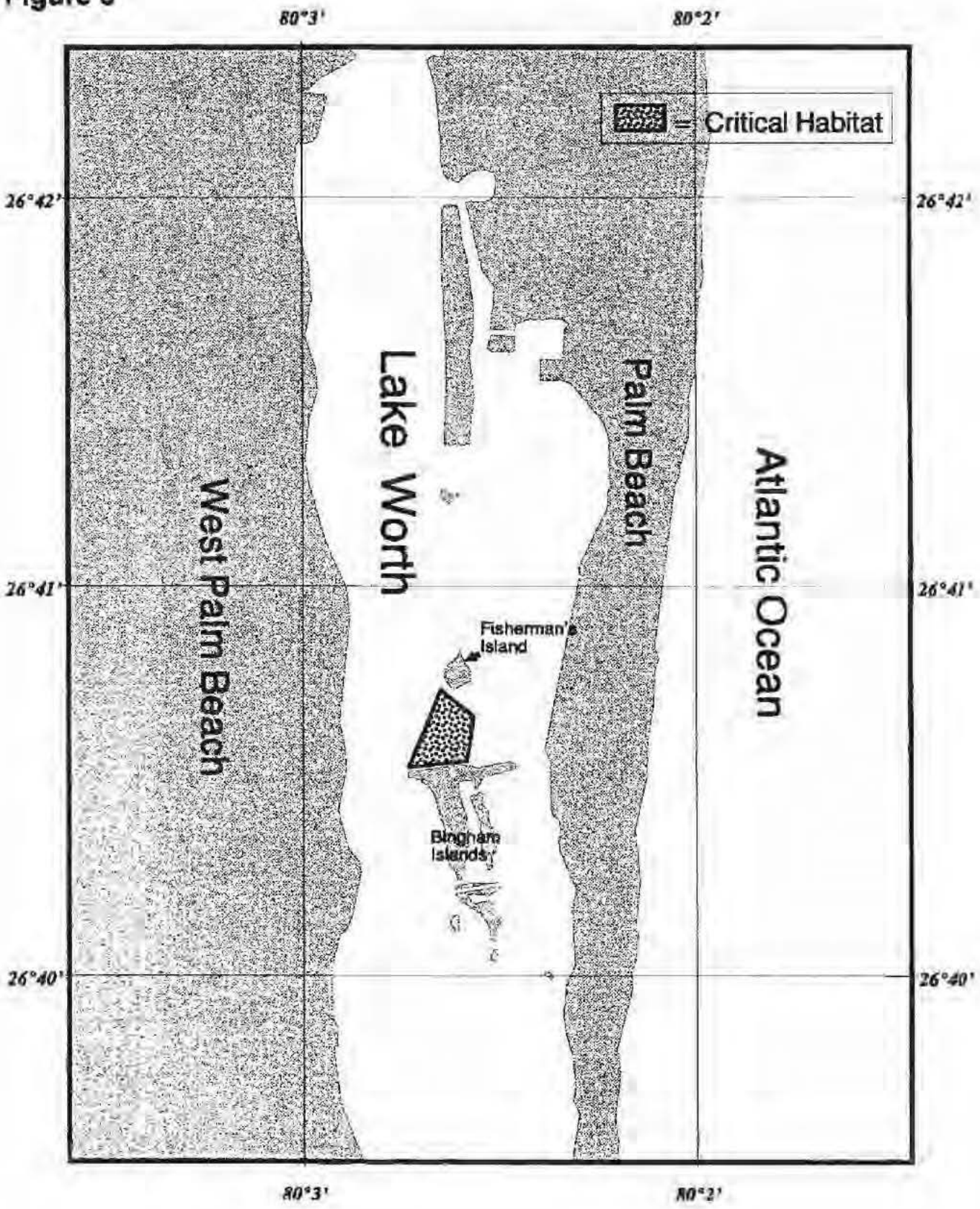

80°3'
80°2'
Critical Habitat
26°42'
26°41'
26°40'
Lake Worth
Palm Beach
Atlantic Ocean
West Palm Beach
Fisherman's Island
Bingham Islands

Figure 7

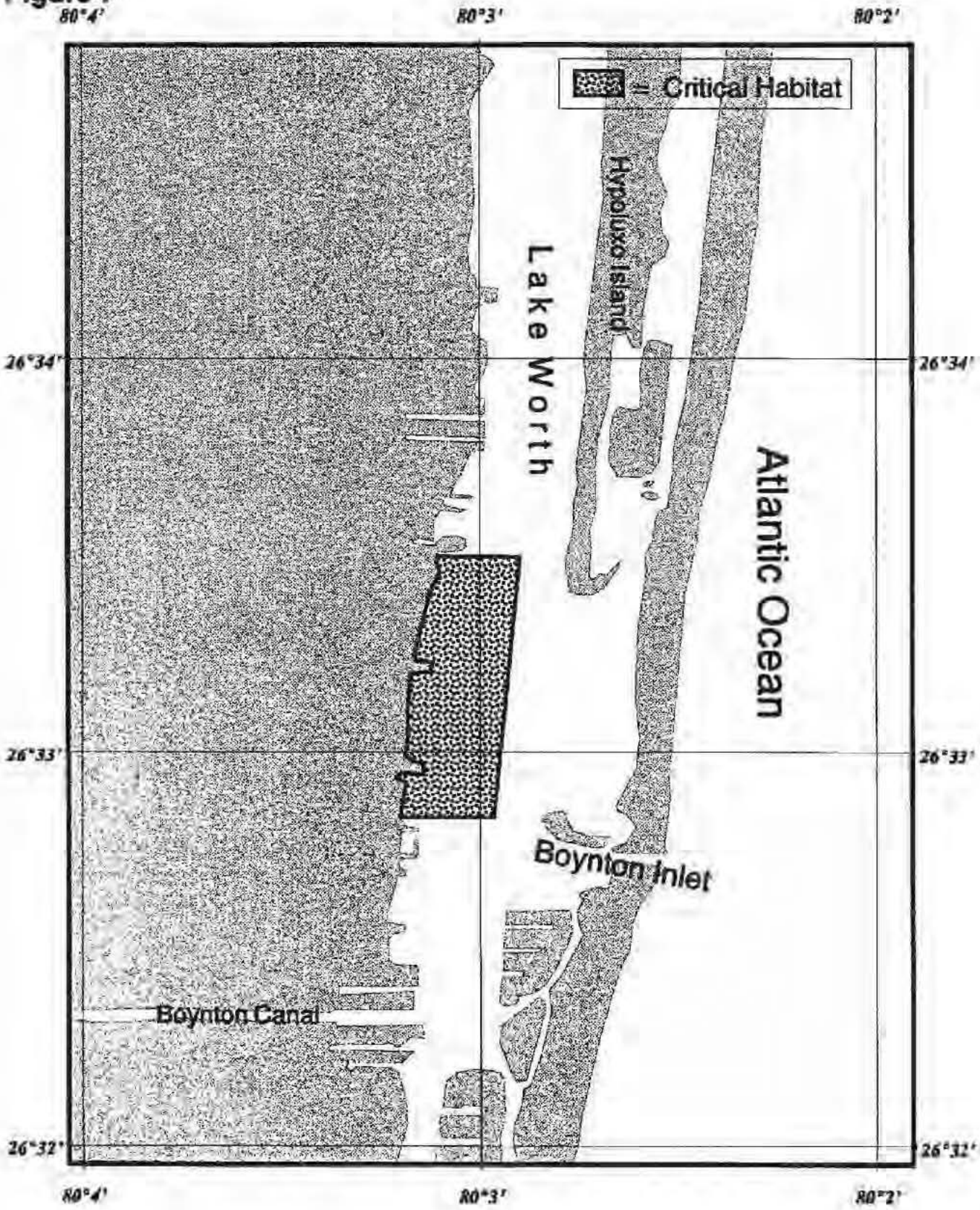

80°4'
80°3'
80°2'
= Critical Habitat
Hypoluxo Island
Lake Worth
Atlantic Ocean
26°34'
26°33'
26°32'
Boynton Inlet
Boynton Canal

Figure 8

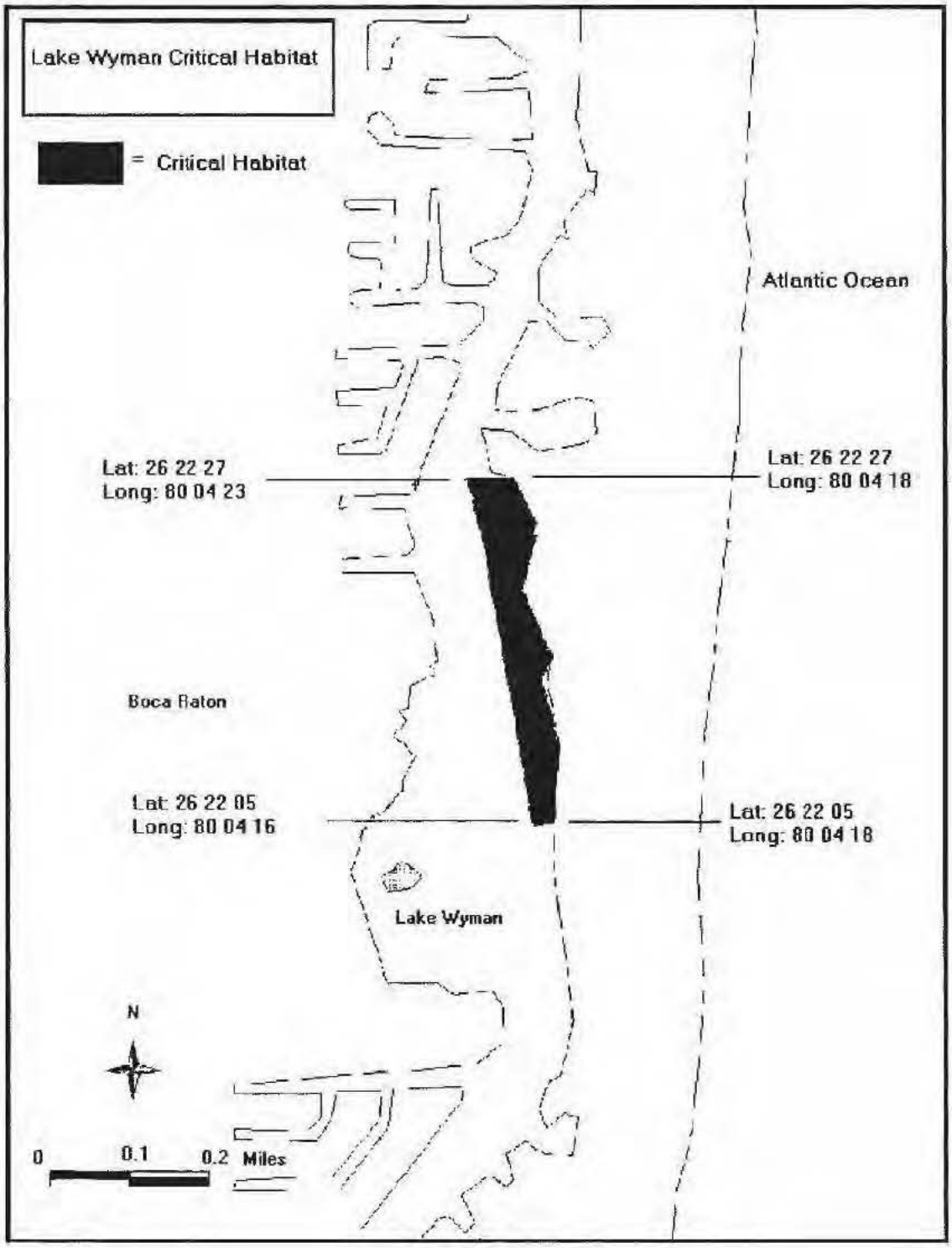
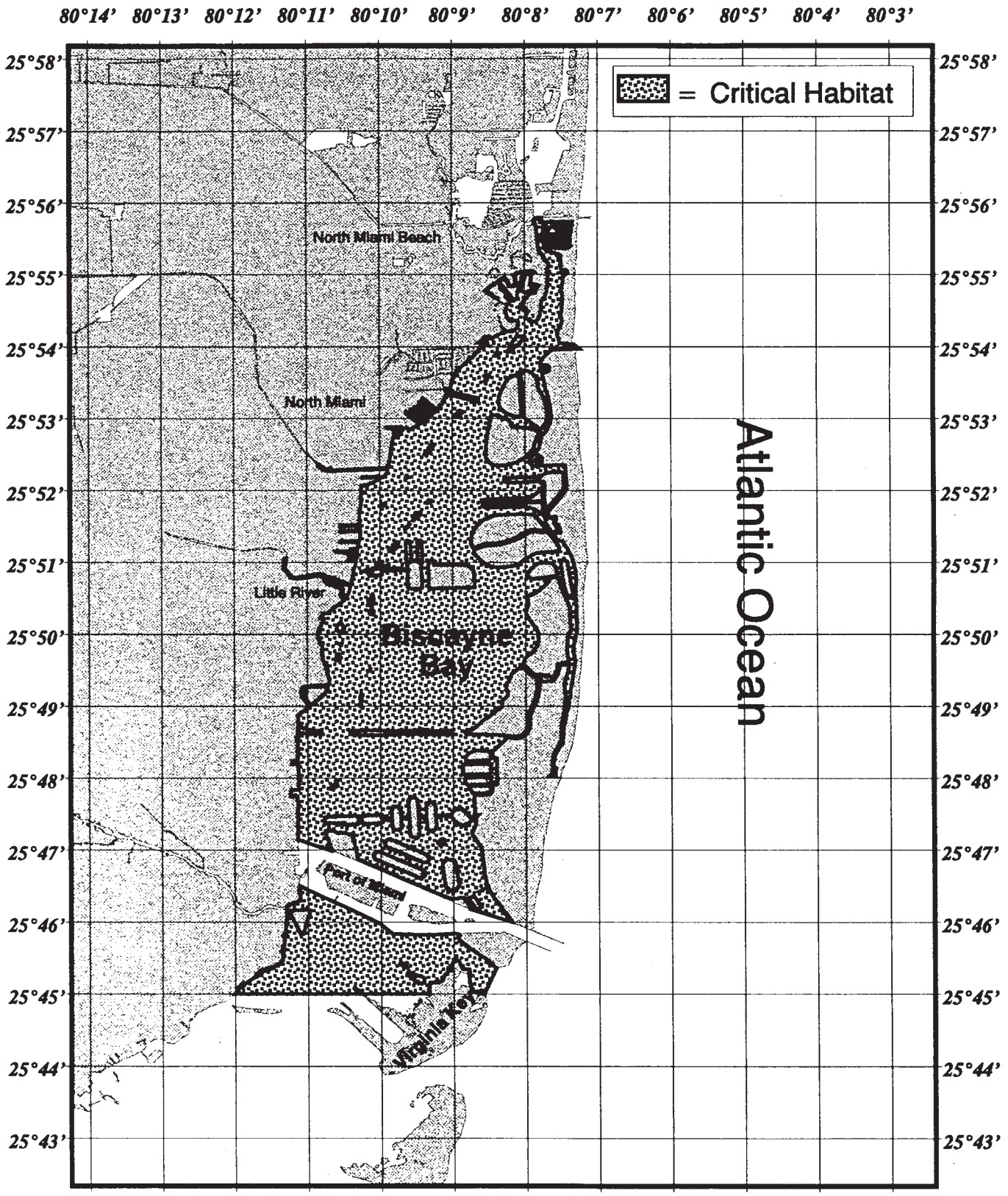

Lake Wyman Critical Habitat
= Critical Habitat
Atlantic Ocean
Lat: 26 22 27
Long: 80 04 23
Lat: 26 22 27
Long: 80 04 18
Boca Raton
Lat: 26 22 05
Long: 80 04 16
Lat: 26 22 05
Long: 80 04 18
Lake Wyman
N
0
0.1
0.2 Miles

Figure 9



[FR Doc. 00–8394 Filed 4–4–00; 8:45 am]
BILLING CODE 3510–22–C

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Attachment 23

Johnson's Seagrass Critical Habitat

Essential Features/PCEs

These pages are extract from the National Marine Fisheries Services' Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017.
Gray box shows text not applicable to Table 7

Marine Mammals			
North Atlantic right whale	E	P	NP
Blue whale	E	P	P
Fin whale	E	P	P
Sei whale	E	P	P
Sperm whale	E	P	P
Bryde's whale (proposed)	E	P	NP
E = endangered; T = threatened, P = Present, NP = Not Present			

Table 6. Designated Critical Habitat NMFS Believes is In or Near the Action Area

Species	Unit in Florida	Unit in U.S. Caribbean
Smalltooth sawfish	• Charlotte Harbor Estuary (CHEU).. • Ten Thousand Islands/ Everglades (TTIEU)..	N/A
Gulf sturgeon	Units 9-14[10]	N/A
Loggerhead sea turtle (NWA DPS)	• Nearshore Reproductive Habitat: Units.. LOGG-N-14 to 32.. • Breeding Habitat: Units LOGG-N-17, 19 • Migratory Habitat: Units LOGG-N-17, 18, 19.. • *Sargassum* Habitat: Unit LOGG-S-01..	N/A
Green sea turtle (NA DPS)	N/A	Culebra Island
Hawksbill sea turtle	N/A	Mona and Monita Island
Leatherback sea turtle	N/A	St Croix Island
Staghorn and elkhorn coral	Area 1: Florida	• Area 2: Puerto Rico and.. Associated Islands.. • Area 3: St. John/St. Thomas, U.S. Virgin Islands • Area 4: St. Croix, U.S... Virgin Islands..
Johnson's seagrass	Units A-J	N/A
North Atlantic right whale	Unit 2	N/A
Atlantic sturgeon	South Atlantic Unit 7[11]	N/A
N/A = Not applicable		

Table 7 (below) provides a complete list of the essential features/primary constituent elements (PCEs) of each critical habitat unit that occurs in Florida and the U.S. Caribbean. Note that the table below refers to both essential features and PCEs of critical habitat. This duality of terms is

[10] Gulf sturgeon critical habitat is under the joint jurisdiction of the USFWS and NMFS, with the USFWS managing riverine habitat and NMFS managing estuarine and marine habitats. Units 9-14 are the only areas under NMFS's jurisdiction that are found in the action area.

[11] The South Atlantic Unit 7 (St. Marys Unit) includes the St. Marys River in (1) Camden and Charlton Counties in Georgia and (2) Baker and Nassau Counties in Florida.

because the USFWS uses the term "PCE" and NMFS uses "essential features" when describing critical habitat. When we develop a critical habitat rule jointly with USFWS, the term PCE is often used. Recent amendments to the Services' joint regulations implementing the ESA, however, removed reference to "primary constituent elements" (81 FR 7414, Feb. 11, 2016). As we explained in the final rule, removing this phrase is not intended to substantively alter anything about the designation of critical habitat, but to eliminate redundancy in how we describe the physical or biological features. New critical habitat rules will describe physical biological features (PBFs) to help identify habitat essential to the conservation of the species. In this Opinion, we refer to the features as they were described in the rule designating that critical habitat. For example, the Gulf sturgeon critical habitat rule refers to PCEs, and thus we have used that term in the table below. Critical habitat boundary maps are available at http://sero.nmfs.noaa.gov/maps_gis_data/protected_resources/critical_habitat/index.html.

Table 7. Essential Features/PCEs/PBFs of Each Critical Habitat Unit in Florida and the U.S. Caribbean

Smalltooth sawfish (74 FR 45353, Sept. 2, 2009)	The physical and biological features essential to the conservation of the U.S. DPS of smalltooth sawfish, which provide nursery area functions are: red mangroves and shallow euryhaline habitats characterized by water depths between the Mean High Water line and 3 ft (0.9 m) measured at Mean Lower Low Water (MLLW). These features are included in critical habitat within the boundaries of the specific areas in paragraph (b) of this section, except where the features were not physically accessible to sawfish at the time of this designation (September 2009); for example, areas where existing water control structures prevent sawfish passage to habitats beyond the structure.
Gulf sturgeon (68 FR 13370, March 19, 2003)	Based on the best available information, there are 7 PCEs essential for the conservation of the Gulf sturgeon. Only the following 4 are under NMFS's jurisdiction: 1. Abundant prey items within estuarine and marine habitats and substrates for juvenile, subadult, and adult life stages; 2. Water quality, including temperature, salinity, pH, hardness, turbidity, oxygen content, and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages; 3. Sediment quality, including texture and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages; and 4. Safe and unobstructed migratory pathways necessary for passage within and between riverine, estuarine, and marine habitats (e.g., a river unobstructed by any permanent structure, or a dammed river that still allows for passage).

Loggerhead sea turtle (79 FR 39855, July 10, 2014)	1. Nearshore reproductive habitat: The PBF of nearshore reproductive habitat as a portion of the nearshore waters adjacent to nesting beaches that are used by hatchlings to egress to the open-water environment as well as by nesting females to transit between beach and open water during the nesting season. The following PCEs support this habitat: (i) Nearshore waters directly off the highest density nesting beaches and their adjacent beaches, as identified in 50 CFR 17.95(c), to 1.6 kilometer (km) offshore; (ii) Waters sufficiently free of obstructions or artificial lighting to allow transit through the surf zone and outward toward open water; and (iii) Waters with minimal man-made structures that could promote predators (i.e., nearshore predator concentration caused by submerged and emergent offshore structures), disrupt wave patterns necessary for orientation, and/or create excessive longshore currents. 2. Winter areas: Florida does not contain any winter areas. 3. Breeding areas: the PBF of concentrated breeding habitat as those sites with high densities of both male and female adult individuals during the breeding season. PCEs that support this habitat are the following: (i) High densities of reproductive male and female loggerheads; (ii) Proximity to primary Florida migratory corridor; and (iii) Proximity to Florida nesting grounds. 4. Constricted migratory habitat: the PBF of constricted migratory habitat as high use migratory corridors that are constricted (limited in width) by land on one side and the edge of the continental shelf and Gulf Stream on the other side. PCEs that support this habitat are the following: (i) Constricted continental shelf area relative to nearby continental shelf waters that concentrate migratory pathways; and (ii) Passage conditions to allow for migration to and from nesting, breeding, and/or foraging areas. 5. *Sargassum* habitat: the PBF of loggerhead *Sargassum* habitat as developmental and foraging habitat for young loggerheads where surface waters form accumulations of floating material, especially *Sargassum.* PCEs that support this habitat are the following: (i) Convergence zones, surface-water downwelling areas, the margins of major boundary currents (Gulf Stream), and other locations where there are concentrated components of the *Sargassum* community in water temperatures suitable for the optimal growth of *Sargassum* and inhabitance of loggerheads; (ii) *Sargassum* in concentrations that support adequate prey abundance and cover; (iii) Available prey and other material associated with *Sargassum* habitat including, but not limited to, plants and cyanobacteria and animals native to the *Sargassum* community such as hydroids and copepods; and (iv) Sufficient water depth and proximity to available currents to ensure offshore transport (out of the surf zone), and foraging and cover requirements by *Sargassum* for post-hatchling loggerheads, i.e., > 10-m depth.

Acropora (Staghorn and elkhorn coral) (73 FR 72210, Nov. 26, 2008)	The physical feature essential to the conservation of elkhorn and staghorn corals is: substrate of suitable quality and availability to support larval settlement and recruitment, and reattachment and recruitment of asexual fragments. "Substrate of suitable quality and availability" is defined as natural consolidated hard substrate or dead coral skeleton that is free from fleshy or turf macroalgae cover and sediment cover.
Johnson's seagrass (65 FR 17786, April 5, 2000)	Based on the best available information, general physical and biological features of the critical habitat areas include adequate water quality, salinity levels, water transparency, and stable, unconsolidated sediments that are free from physical disturbance.
North Atlantic right whale (81 FR 4837, Jan. 27, 2016)	Critical habitat includes 2 areas (Units) located in the Gulf of Maine and Georges Bank Region (Unit 1) and off the coast of North Carolina, South Carolina, Georgia and Florida (Unit 2). Only Unit 2 occurs within the action area. The physical features essential to the conservation of the North Atlantic right whale, which provide calving area functions in Unit 2, are: 1. Sea surface conditions associated with Force 4 or less on the Beaufort Scale 2. Sea surface temperatures of 7°C to 17°C 3. Water depths of 20-92 ft (6- 28 m), where these features simultaneously co-occur over contiguous areas of at least 231 squared nautical miles (nmi^2) of ocean waters during the months of November through April. When these features are available, they are selected by right whale cows and calves in dynamic combinations that are suitable for calving, nursing, and rearing, and which vary, within the ranges specified, depending on factors such as weather and age of the calves.
Atlantic sturgeon (82 FR 39160, August 17, 2017)	The physical features essential for the conservation of Atlantic sturgeon belonging to the Carolina and South Atlantic DPSs are those habitat components that support successful reproduction and recruitment. These are: 1. Hard bottom substrate (e.g., rock, cobble, gravel, limestone, boulder, etc.) in low salinity waters (i.e., 0.0-0.5 parts per thousand range) for settlement of fertilized eggs and refuge, growth, and development of early life stages; 2. Aquatic habitat inclusive of waters with a gradual downstream gradient of 0.5 up to as high as 30 parts per thousand and soft substrate (e.g., sand, mud) between the river mouth and spawning sites for juvenile foraging and physiological development; 3. Water of appropriate depth and absent physical barriers to passage (e.g., locks, dams, thermal plumes, turbidity, sound, reservoirs, gear, etc.) between the river mouth and spawning sites necessary to support: (i) Unimpeded movement of adults to and from spawning sites; (ii) Seasonal and physiologically dependent movement of juvenile

	Atlantic sturgeon to appropriate salinity zones within the river estuary; and (iii) Staging, resting, or holding of subadults or spawning condition adults. Water depths in main river channels must also be deep enough (at least 1.2 meters) to ensure continuous flow in the main channel at all times when any sturgeon life stage would be in the river; 4. Water quality conditions, especially in the bottom meter of the water column, with temperature and oxygen values that support: (i) Spawning; (ii) Annual and inter-annual adult, subadult, larval, and juvenile survival; and (iii) Larval, juvenile, and subadult growth, development, and recruitment. Appropriate temperature and oxygen values will vary interdependently, and depending on salinity in a particular habitat. For example, 6.0 mg/L dissolved oxygen or greater likely supports juvenile rearing habitat, whereas dissolved oxygen less than 5.0 mg/L for longer than 30 days is less likely to support rearing when water temperature is greater than 25°C. In temperatures greater than 26°C, dissolved oxygen greater than 4.3 mg/L is needed to protect survival and growth. Temperatures of 13 to 26 °C likely support spawning habitat.
Green sea turtle (63 FR 46693, Sept. 2,1998)	Critical habitat for the green sea turtle is designated in the waters surrounding the island of Culebra, Puerto Rico, from the mean high water line (MHWL) seaward to 3 nmi. These waters include Culebra's outlying Keys, including Cayo Norte, Cayo Ballena, Cayos Geniquí, Isla Culebrita, Arrecife Culebrita, Cayo de Luís Peña, Las Hermanas, El Mono, Cayo Lobo, Cayo Lobito, Cayo Botijuela, Alcarraza, Los Gemelos, and Piedra Steven. At the time of designation, essential features to critical habitat were not precisely defined; however, the critical habitat was designated to provide protection for important developmental and resting habitats. Juvenile and adult green sea turtles depend on seagrasses as the principal dietary component for foraging. In addition, coral reefs and other topographic features within the waters around Culebra Island and surrounding islands and cays provide green turtles with shelter during interforaging periods that serve as refuge from predators. On April 6, 2016, NMFS published a final rule listing 11 DPSs of the green sea turtle, including the NA DPS. 81 FR 20058; April 6, 2016. NMFS will issue a rule designating critical habitat for the DPSs in a future rulemaking. In the interim, the existing critical habitat designation described herein remains in effect for the NA DPS of green sea turtles.
Hawksbill sea turtles (63 FR 46693,	Critical habitat for the hawksbill sea turtle has been designated in the waters surrounding the islands of Mona and Monito, Puerto Rico, from the MHWL seaward to 3 nmi. At the time of designation, essential features to critical

Sept. 2, 1998)	habitat were not precisely defined; however, the critical habitat was designated to provide protection for important developmental and resting habitats. Hawksbill sea turtles depend on sponges as their principal dietary component and healthy coral reefs for foraging and shelter habitats.
Leatherback sea turtles (44 FR 8491, March 23, 1979)	Critical habitat for the leatherback sea turtle has been designated in the waters adjacent to Sandy Point on the southwest corner of St. Croix, U.S. Virgin Islands, in waters from the 100-fathom curve shoreward to the level of mean high tide, with boundaries at 17°42′12"N and 64°50′00″W. At the time of designation, essential features to critical habitat were not precisely defined; however, critical habitat for leatherback sea turtles was designated to provide protection to sea turtles using these waters for courting, breeding, and as access to and from nesting areas on Sandy Point Beach, St. Croix, U.S. Virgin Islands.

2.2 Activities Analyzed, Project Design Criteria, and Potential Routes of Effect

In this section of the Opinion, we describe the categories of activities under consultation, the PDCs that each activity must meet to be covered under this Opinion, and the expected effects of each category of activities on ESA-listed species and designated critical habitat. In particular, for each category of activity covered by this Opinion, we will provide the following information:

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2. PDCs: A description of the non-discretionary PDCs applicable to all projects covered under this Opinion. The general PDCs ensure that the covered activities meet certain thresholds designed to avoid or minimize impacts on ESA-listed species and critical habitat.

   In addition to the general PDCs, each of the 10 categories of covered activities is subject to additional activity-specific PDCs. Like the general PDCs, activity-specific PDCs are non-discretionary requirements for coverage under the Opinion that avoid or minimize the potential effects of permitted activities on ESA-listed species and designated critical habitat.

   All PDCs were developed based on information from the USACE's past permitting practices and review of consultations on USACE-authorized in-water construction activities in Florida and the U.S. Caribbean. The activity-specific PDCs are typical of measures used to protect ESA listed species and designated critical habitat and are substantially similar to the PDCs that NMFS included in other programmatic consultations with the USACE in the last 5 years including the SWPBO, 12 SAJ General Permit Programmatic, SAJ-42, SAJ-82, and SPGP IV-R1.

   In addition, PDCs designed to avoid or minimize effects on critical habitat are provided at the end of each category of activity when additional protections, beyond the general and activity-specific PDCs, are required to avoid or minimize effects on a particular critical habitat unit.

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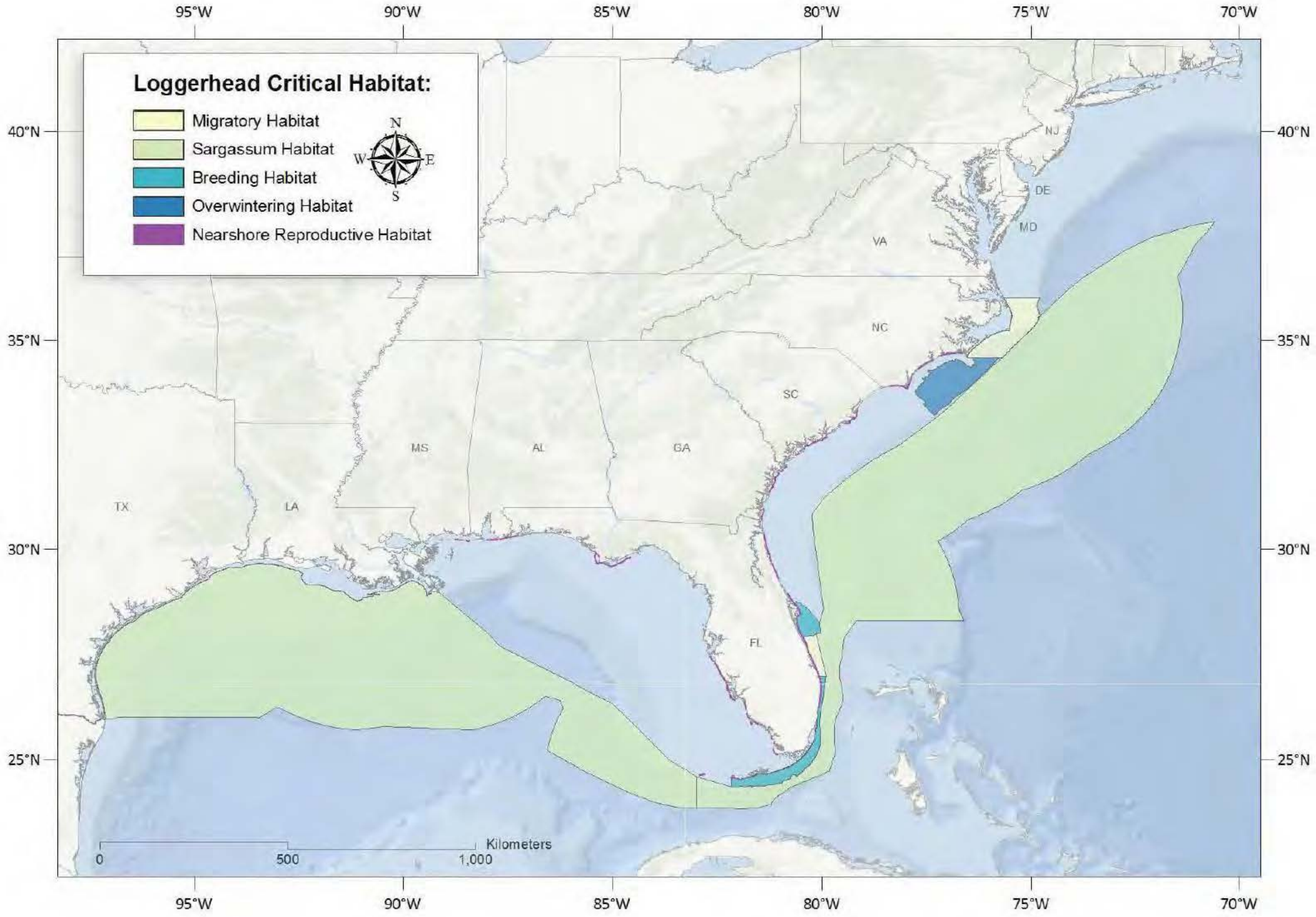
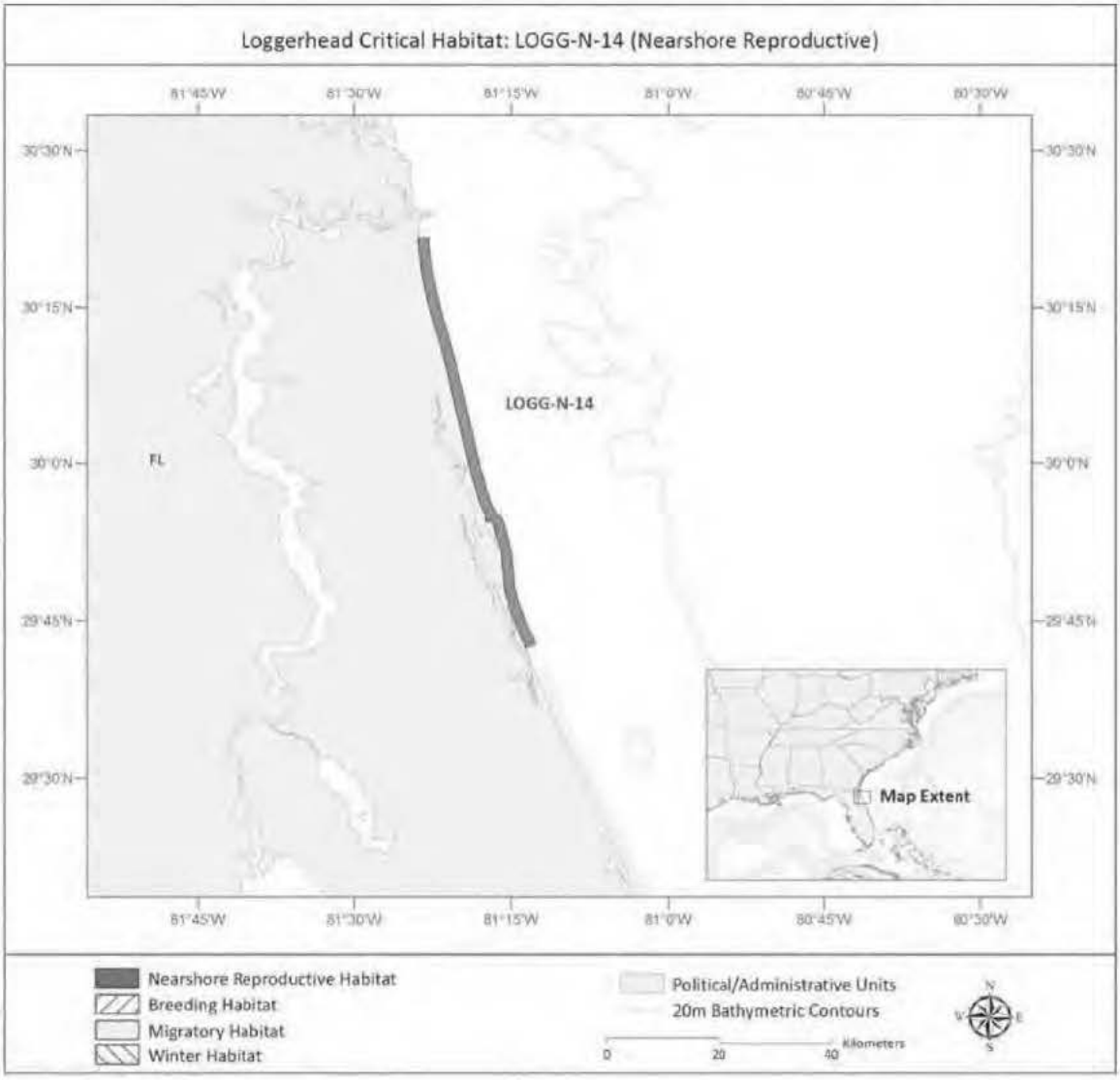
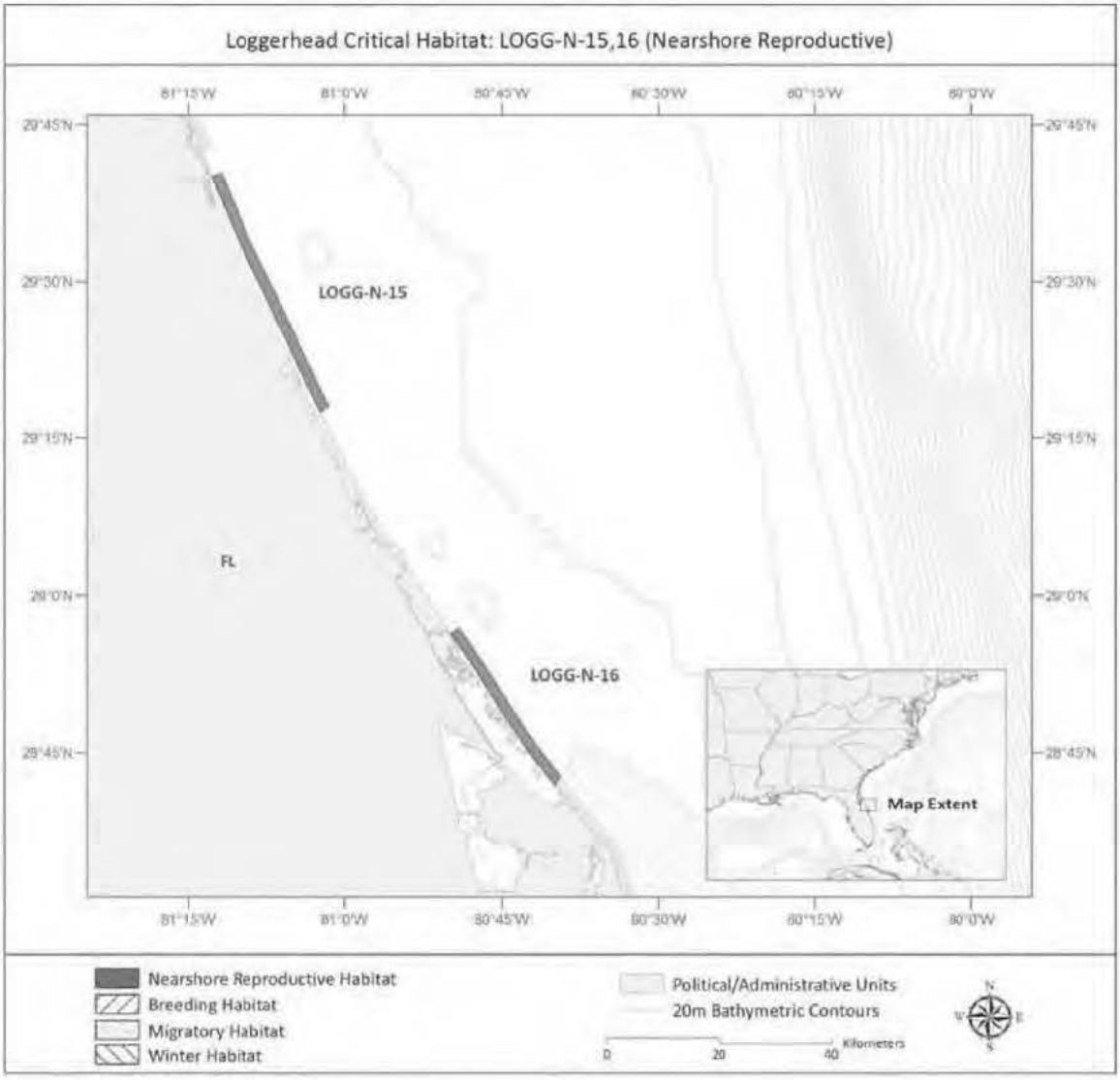
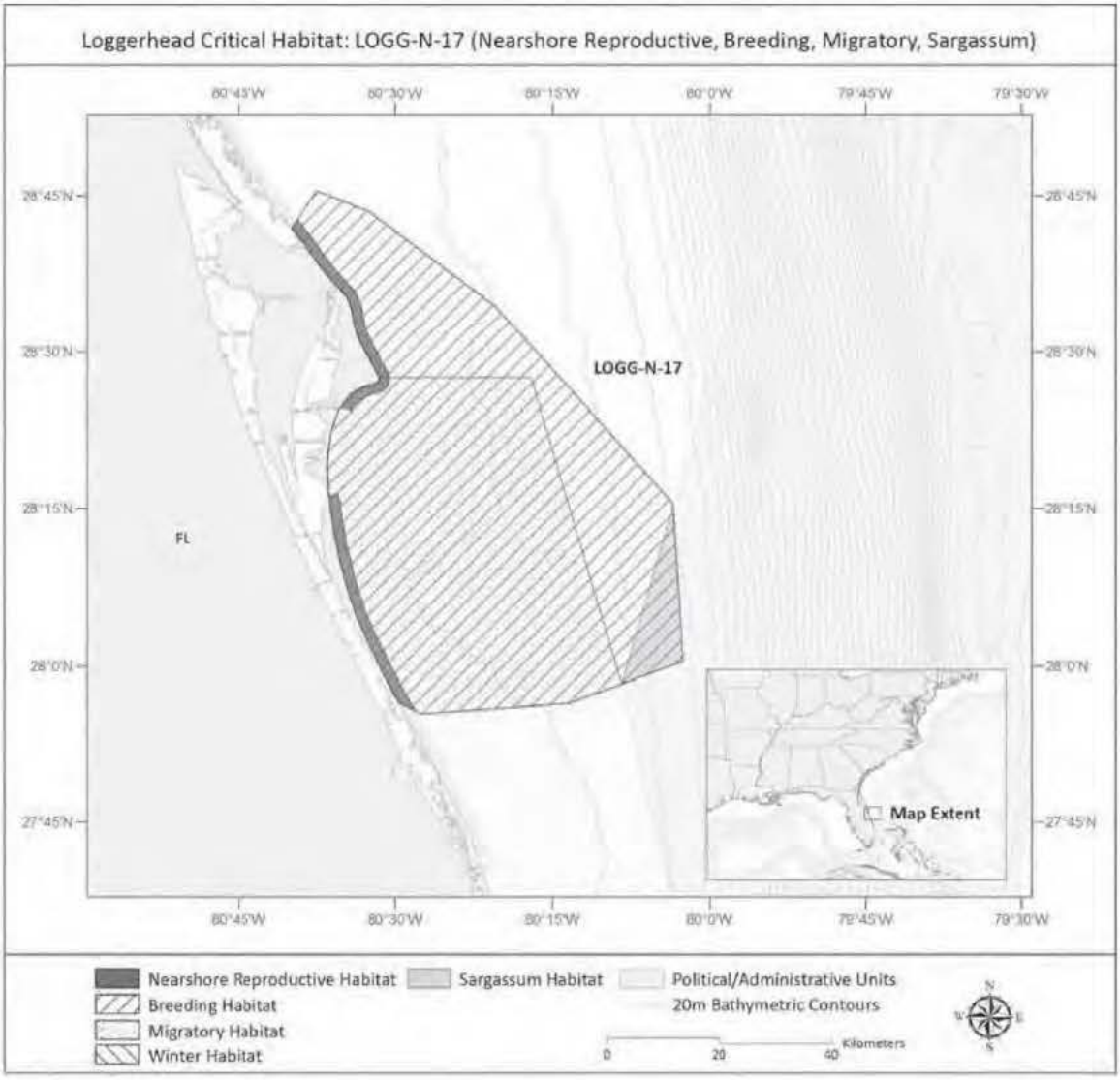
Attachment 24

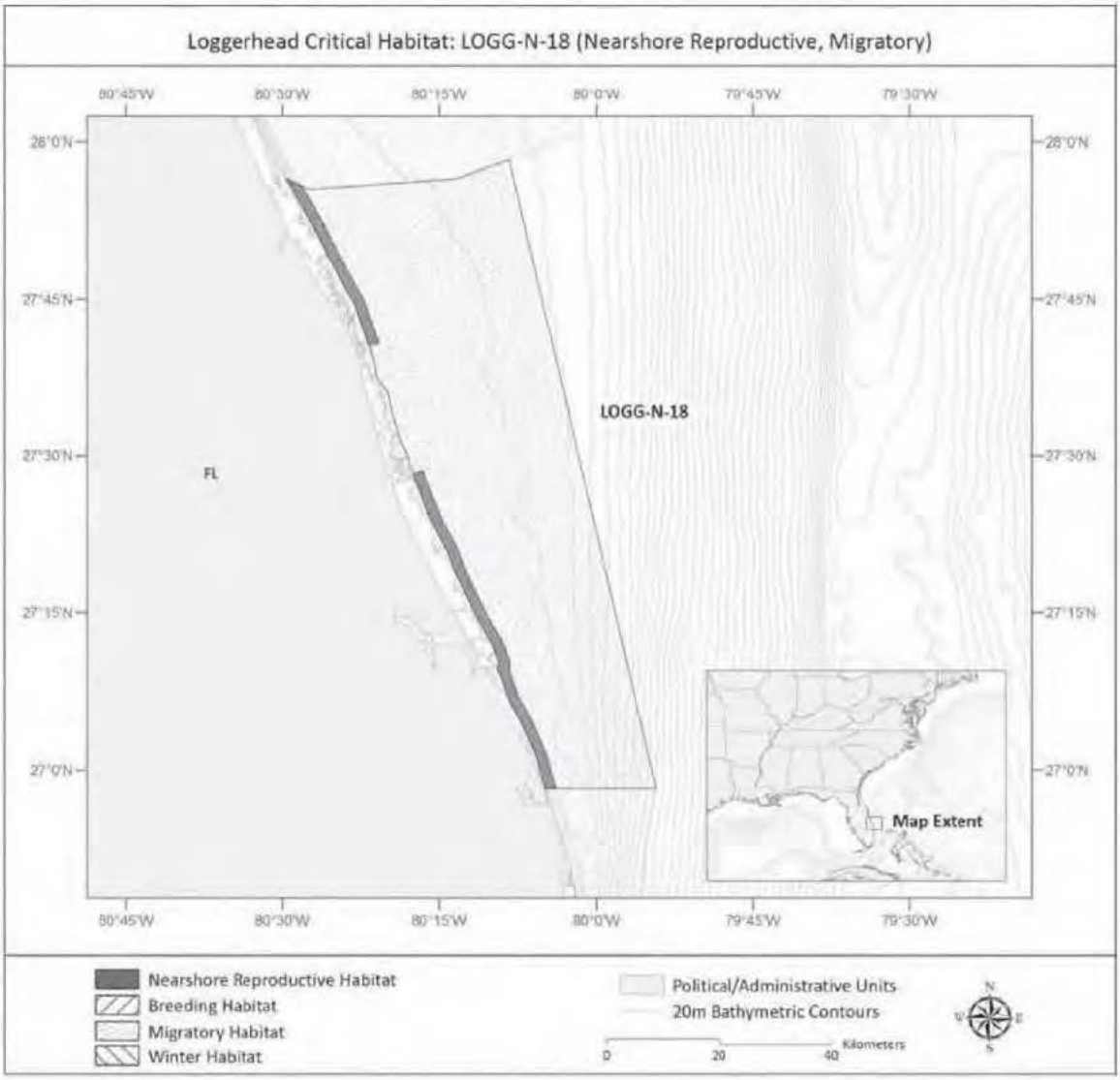
Loggerhead Turtle Nearshore Reproductive Critical Habitat.

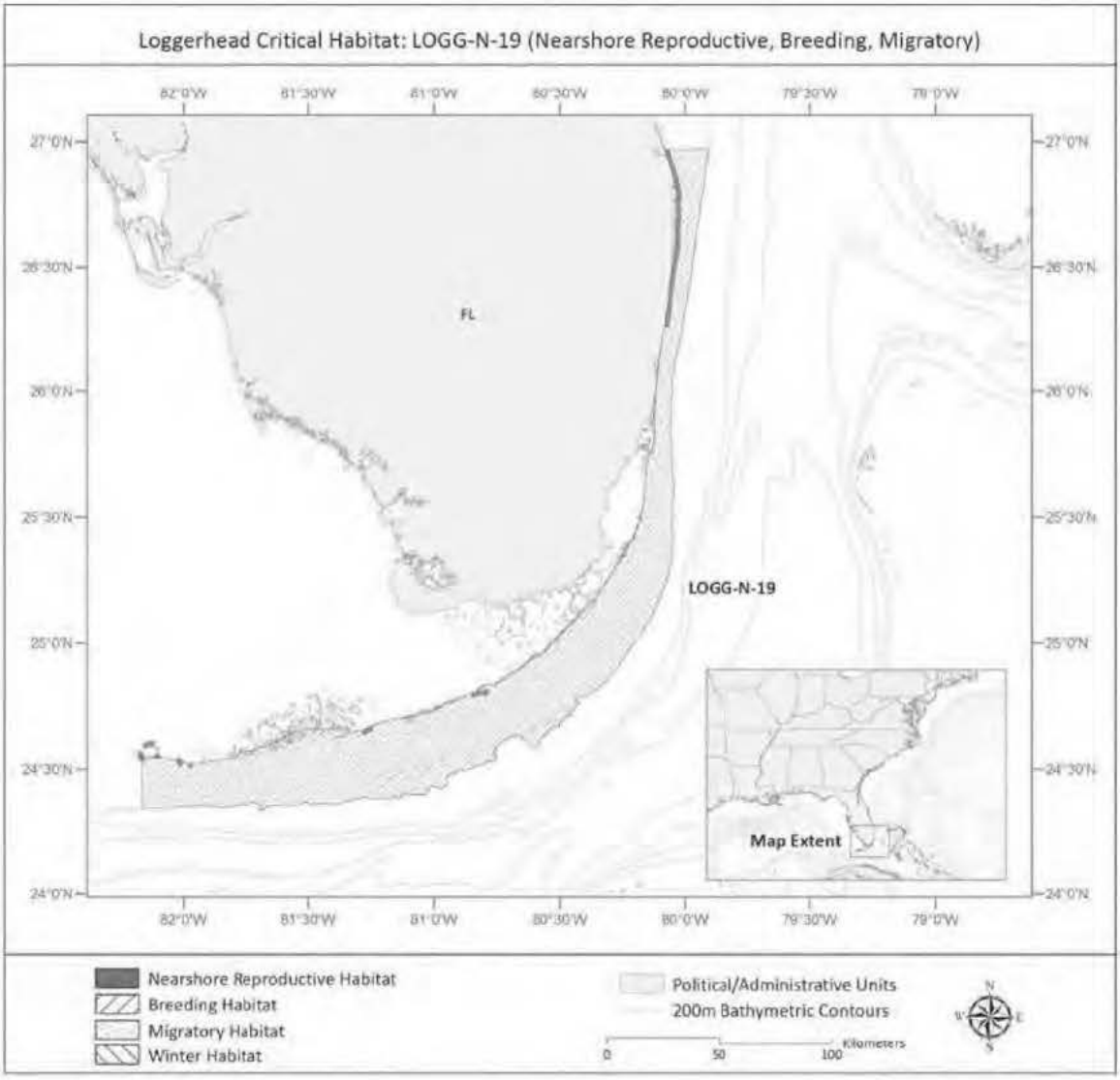

Loggerhead Critical Habitat:
Migratory Habitat
Sargassum Habitat
Breeding Habitat
Overwintering Habitat
Nearshore Reproductive Habitat
N
W
E
S
95°W
90°W
85°W
80°W
75°W
70°W
40°N
35°N
30°N
25°N
NJ
DE
MD
VA
NC
SC
GA
AL
MS
LA
TX
FL
0
500
1,000
Kilometers

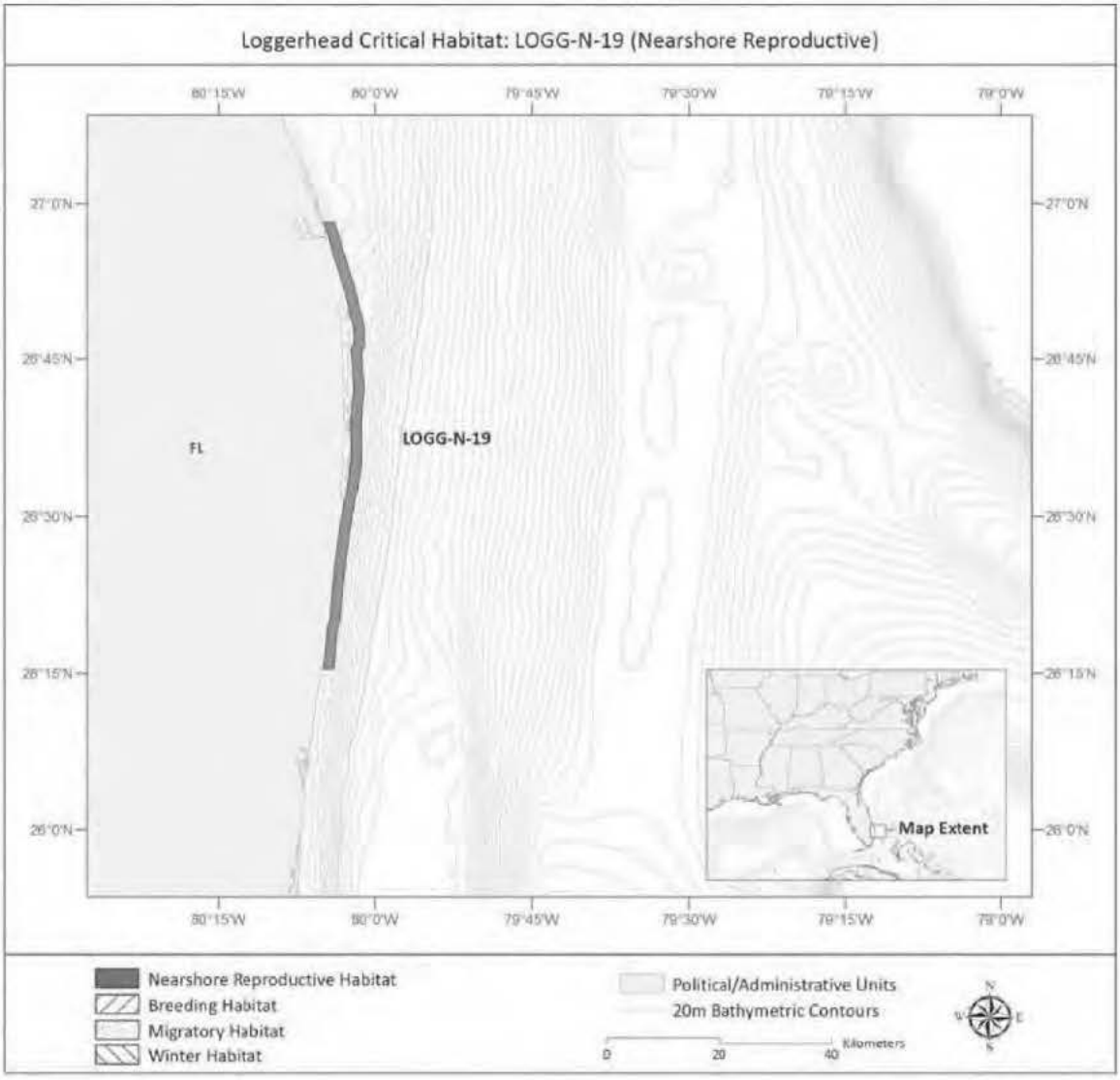

Loggerhead Critical Habitat: LOGG-N-14 (Nearshore Reproductive)
81°45'W
81°30'W
81°15'W
81°0'W
80°45'W
80°30'W
30°30'N
30°15'N
30°0'N
29°45'N
29°30'N
LOGG-N-14
FL
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S

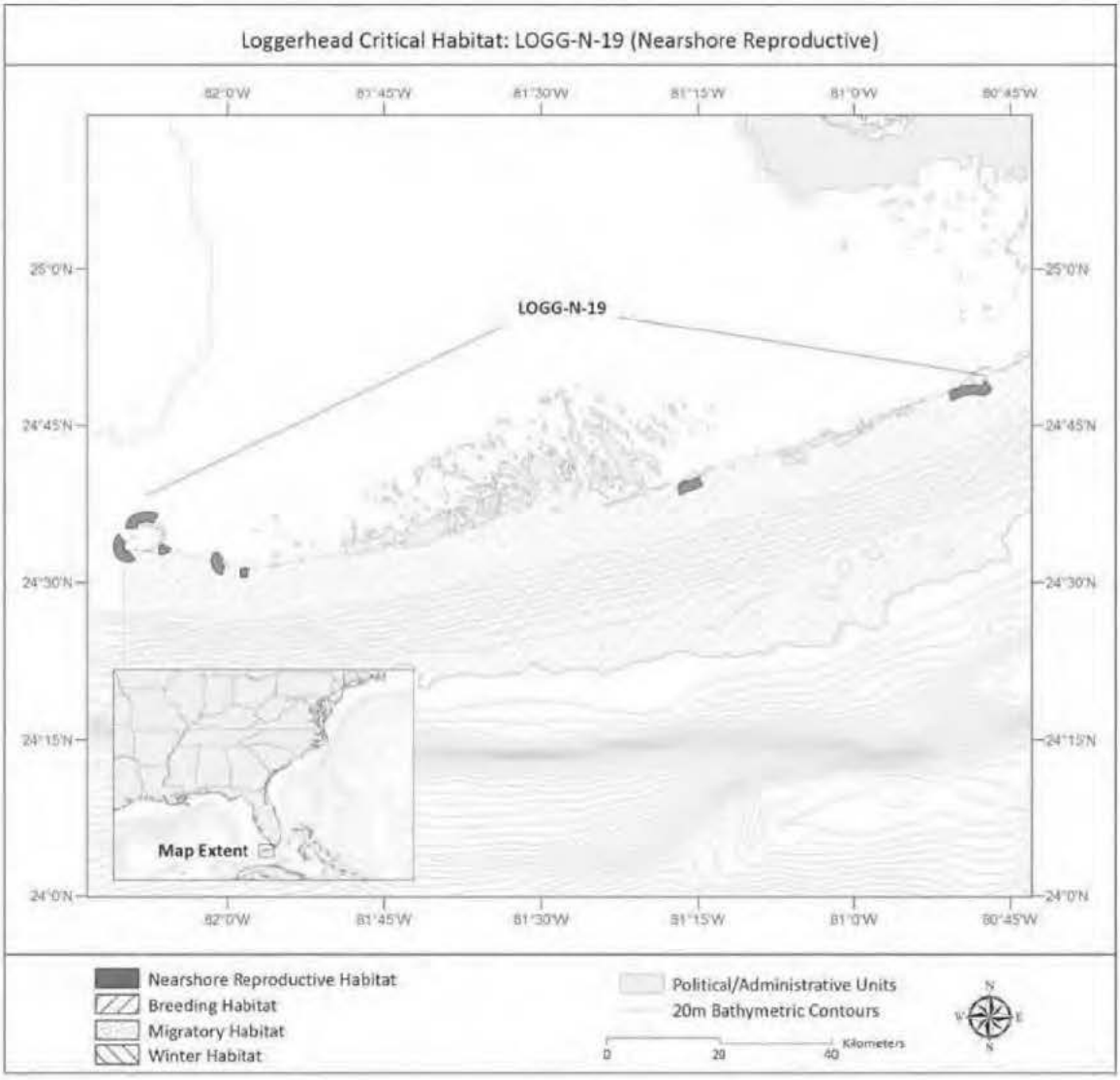

Loggerhead Critical Habitat: LOGG-N-15,16 (Nearshore Reproductive)
81°15'W
81°0'W
80°45'W
80°30'W
80°15'W
80°0'W
29°45'N
29°30'N
29°15'N
29°0'N
28°45'N
LOGG-N-15
LOGG-N-16
FL
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S

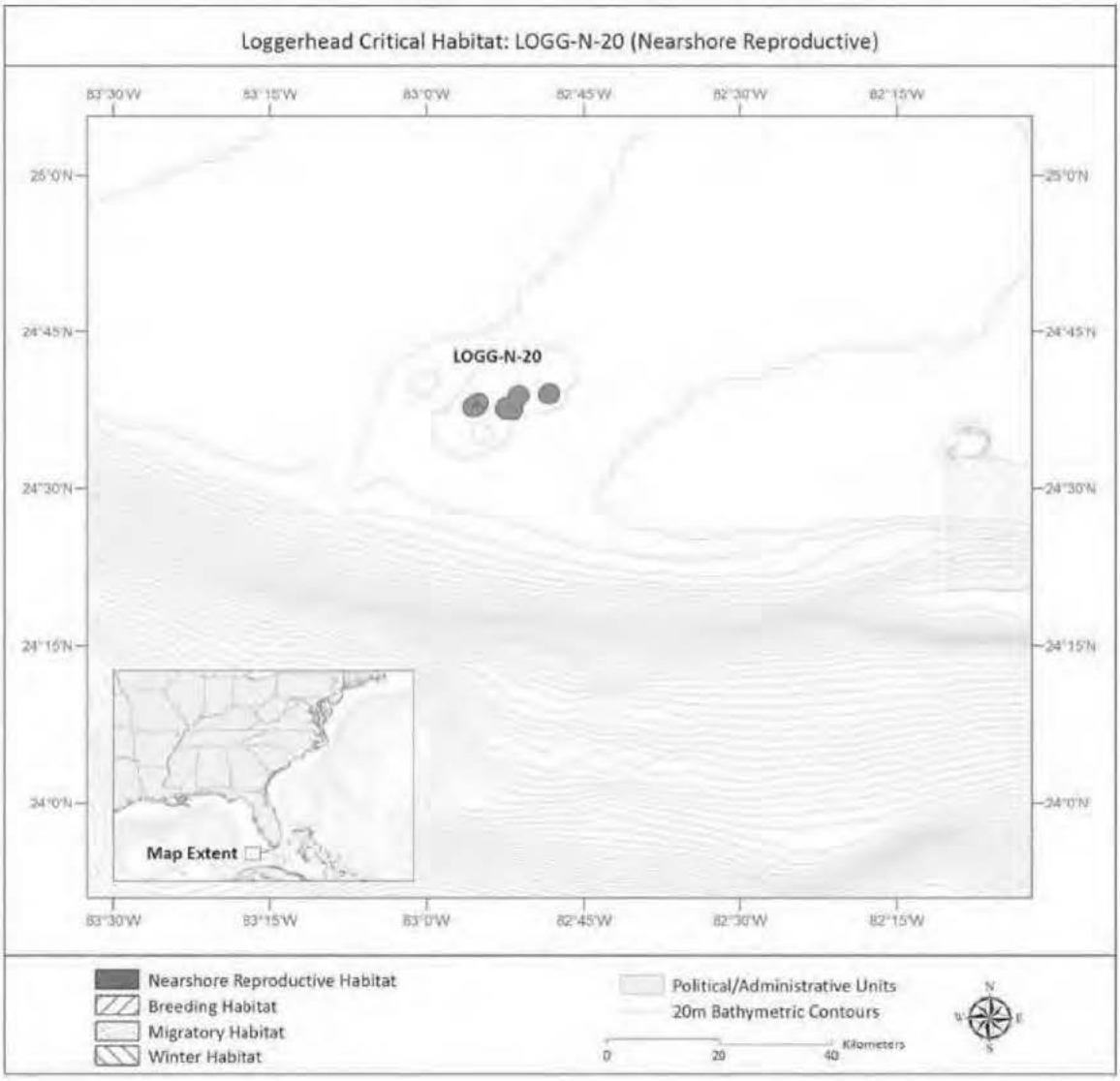

Loggerhead Critical Habitat: LOGG-N-17 (Nearshore Reproductive, Breeding, Migratory, Sargassum)
80°45'W
80°30'W
80°15'W
80°0'W
79°45'W
79°30'W
28°45'N
28°30'N
28°15'N
28°0'N
27°45'N
LOGG-N-17
FL
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Sargassum Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S

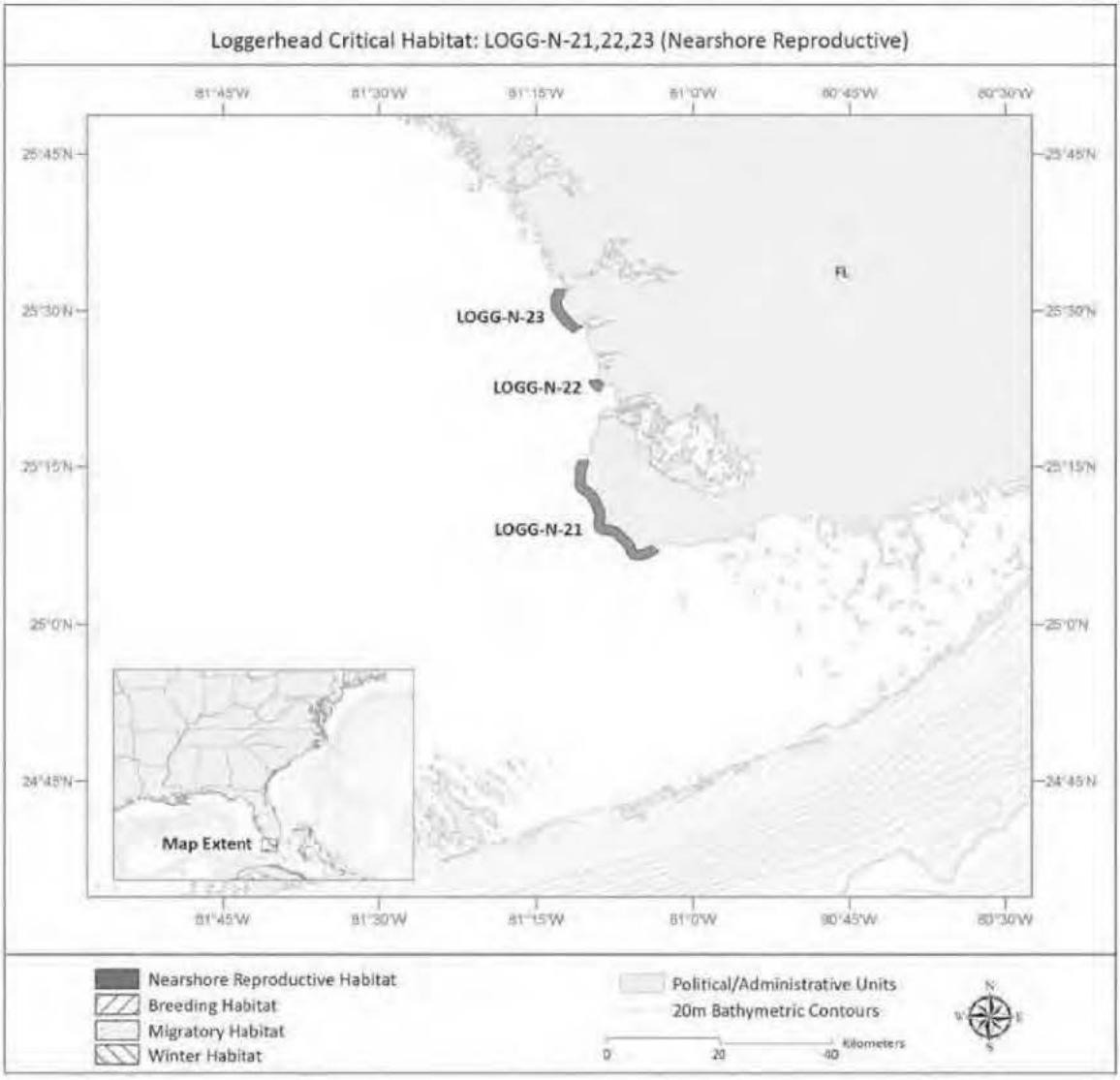

Loggerhead Critical Habitat: LOGG-N-18 (Nearshore Reproductive, Migratory)
80°45'W
80°30'W
80°15'W
80°0'W
79°45'W
79°30'W
28°0'N
27°45'N
27°30'N
27°15'N
27°0'N
LOGG-N-18
FL
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S

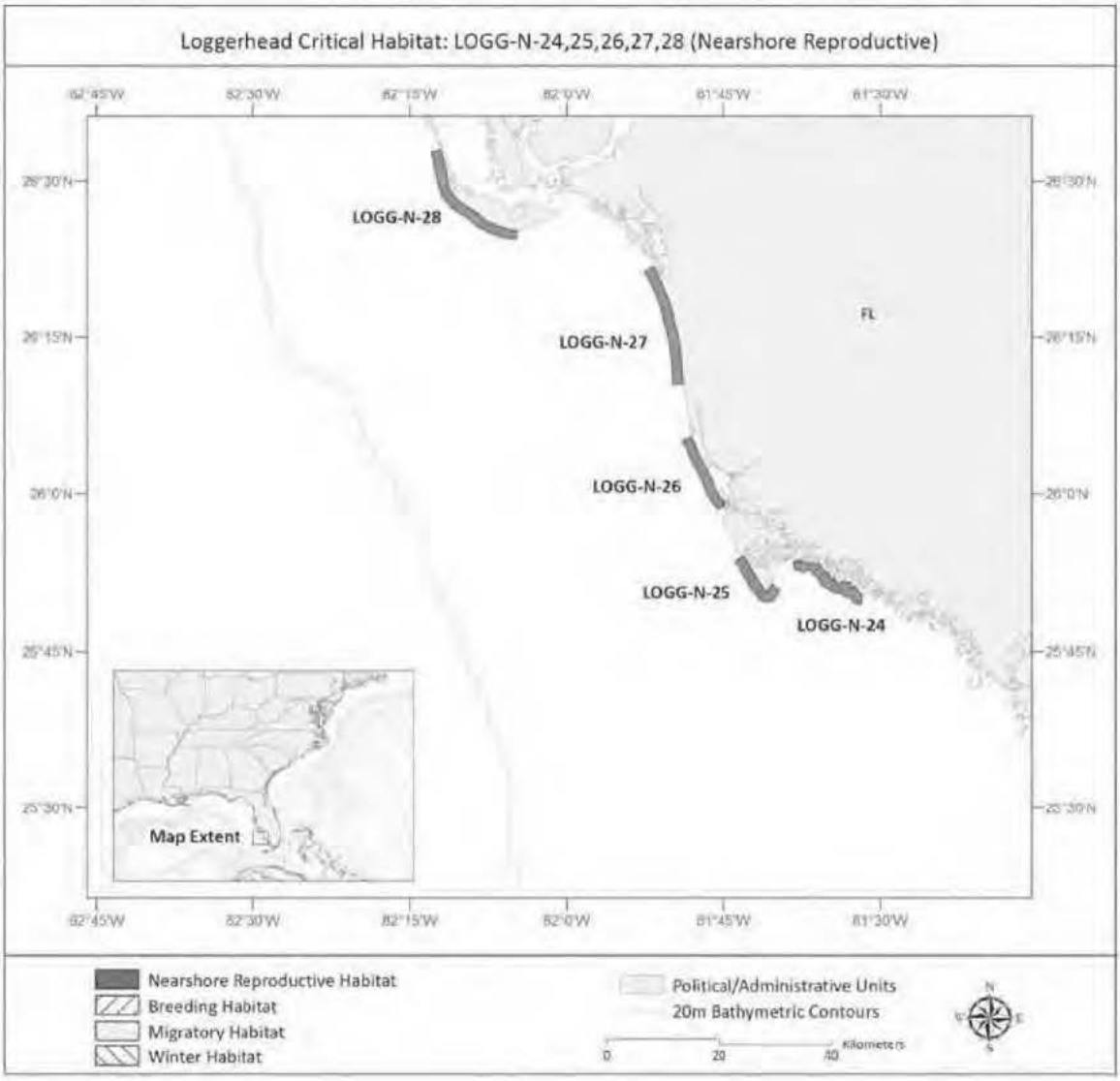

Loggerhead Critical Habitat: LOGG-N-19 (Nearshore Reproductive, Breeding, Migratory)
82°0'W
81°30'W
81°0'W
80°30'W
80°0'W
79°30'W
79°0'W
27°0'N
26°30'N
26°0'N
25°30'N
25°0'N
24°30'N
24°0'N
FL
LOGG-N-19
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
200m Bathymetric Contours
0
50
100
Kilometers
N
W
E
S

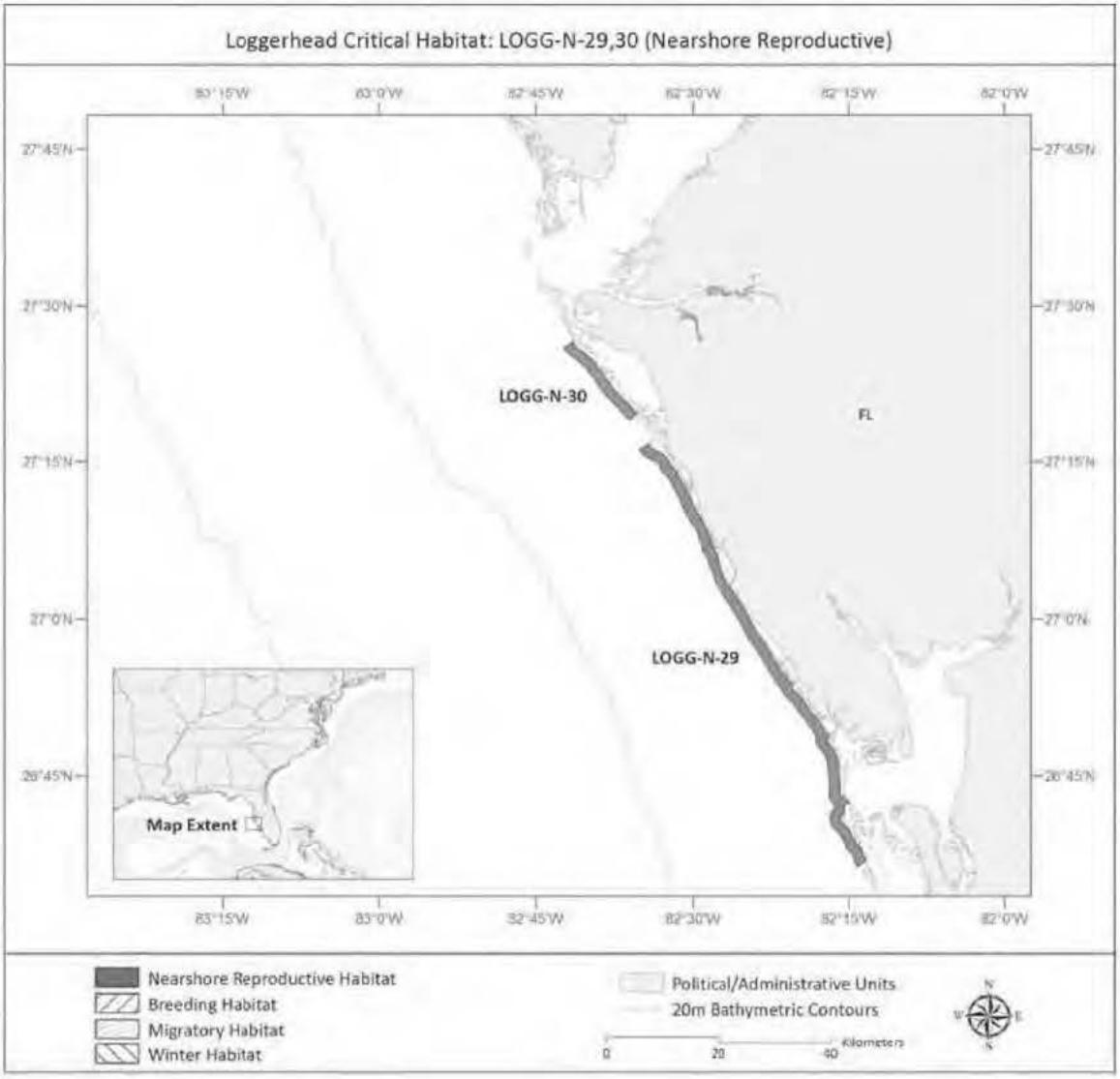

Loggerhead Critical Habitat: LOGG-N-19 (Nearshore Reproductive)
80°15'W
80°0'W
79°45'W
79°30'W
79°15'W
79°0'W
27°0'N
26°45'N
26°30'N
26°15'N
26°0'N
FL
LOGG-N-19
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S

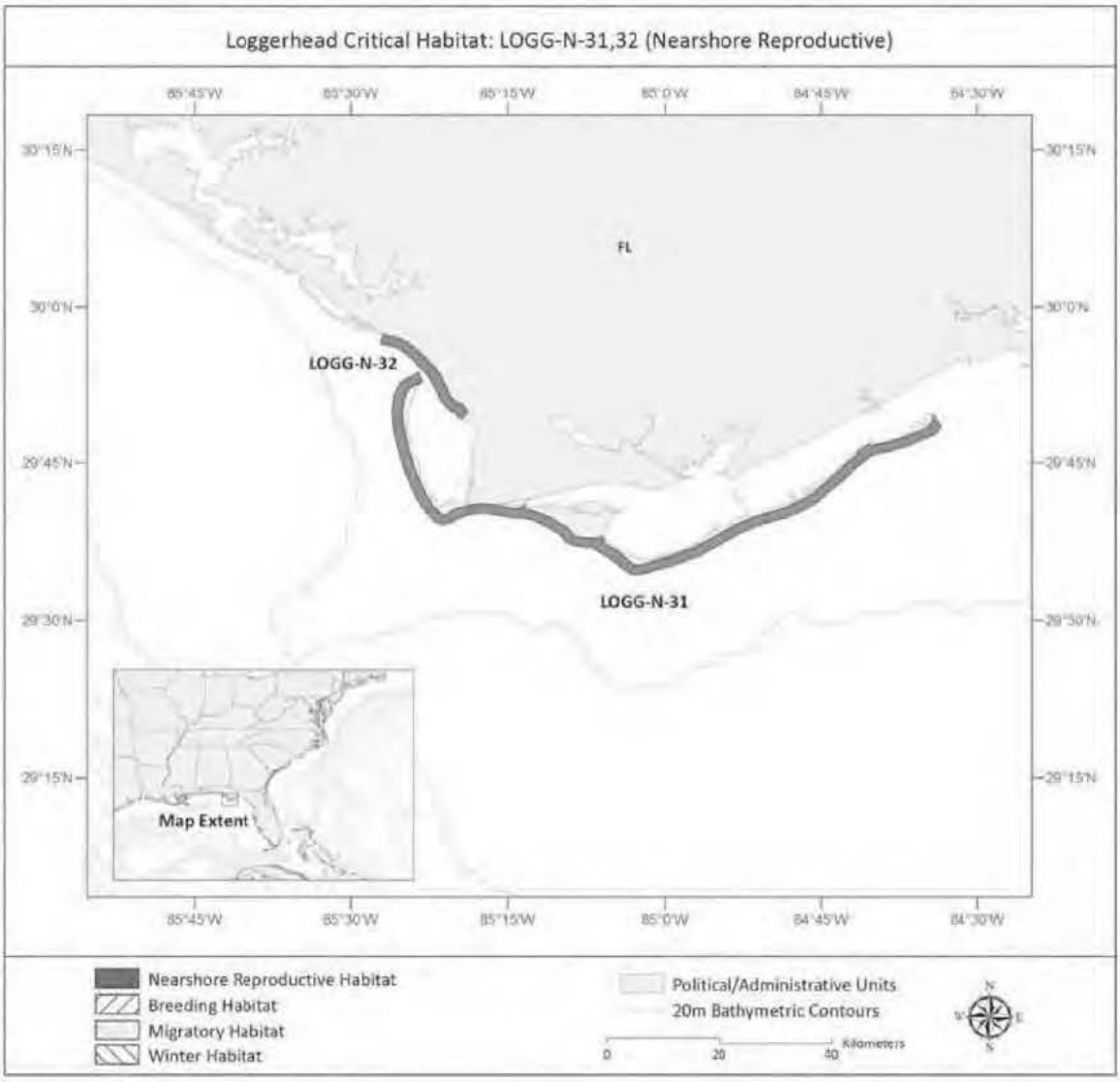

Loggerhead Critical Habitat: LOGG-N-19 (Nearshore Reproductive)
82°0'W
81°45'W
81°30'W
81°15'W
81°0'W
80°45'W
25°0'N
24°45'N
24°30'N
24°15'N
24°0'N
LOGG-N-19
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S

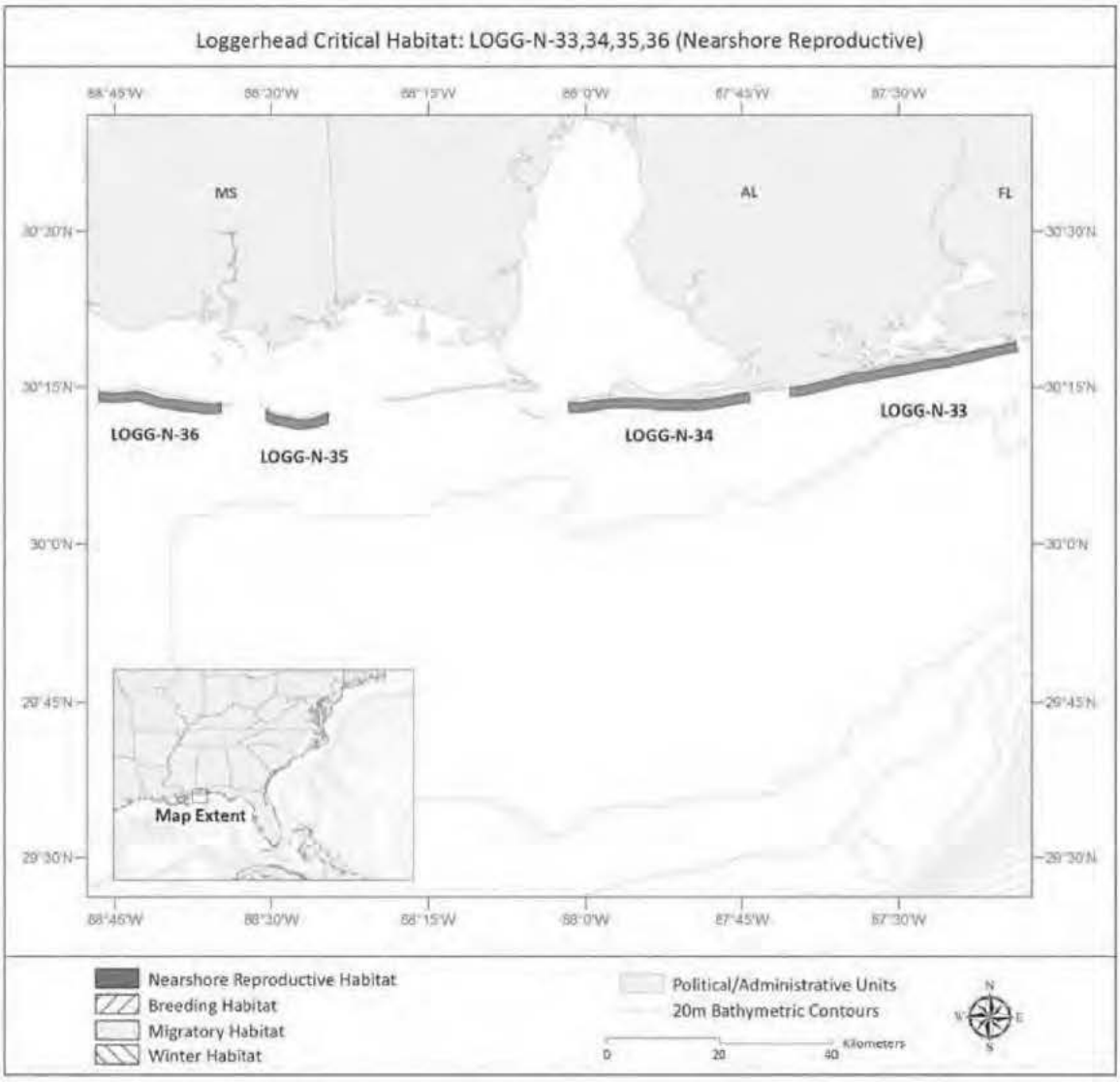

Loggerhead Critical Habitat: LOGG-N-20 (Nearshore Reproductive)
83°30'W
83°15'W
83°0'W
82°45'W
82°30'W
82°15'W
25°0'N
24°45'N
24°30'N
24°15'N
24°0'N
LOGG-N-20
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S


Loggerhead Critical Habitat: LOGG-N-21,22,23 (Nearshore Reproductive)
81°45'W
81°30'W
81°15'W
81°0'W
80°45'W
80°30'W
25°45'N
25°30'N
25°15'N
25°0'N
24°45'N
FL
LOGG-N-23
LOGG-N-22
LOGG-N-21
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S


Loggerhead Critical Habitat: LOGG-N-24,25,26,27,28 (Nearshore Reproductive)
LOGG-N-28
LOGG-N-27
LOGG-N-26
LOGG-N-25
LOGG-N-24
FL
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
Kilometers
0
20
40


Loggerhead Critical Habitat: LOGG-N-29,30 (Nearshore Reproductive)
83°15'W
83°0'W
82°45'W
82°30'W
82°15'W
82°0'W
27°45'N
27°30'N
27°15'N
27°0'N
26°45'N
LOGG-N-30
LOGG-N-29
FL
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S


Loggerhead Critical Habitat: LOGG-N-31,32 (Nearshore Reproductive)
85°45'W
85°30'W
85°15'W
85°0'W
84°45'W
84°30'W
30°15'N
30°0'N
29°45'N
29°30'N
29°15'N
FL
LOGG-N-32
LOGG-N-31
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S


Loggerhead Critical Habitat: LOGG-N-33,34,35,36 (Nearshore Reproductive)
88°45'W
88°30'W
88°15'W
88°0'W
87°45'W
87°30'W
MS
AL
FL
30°30'N
30°15'N
30°0'N
29°45'N
29°30'N
LOGG-N-36
LOGG-N-35
LOGG-N-34
LOGG-N-33
Map Extent
Nearshore Reproductive Habitat
Breeding Habitat
Migratory Habitat
Winter Habitat
Political/Administrative Units
20m Bathymetric Contours
0
20
40
Kilometers
N
W
E
S

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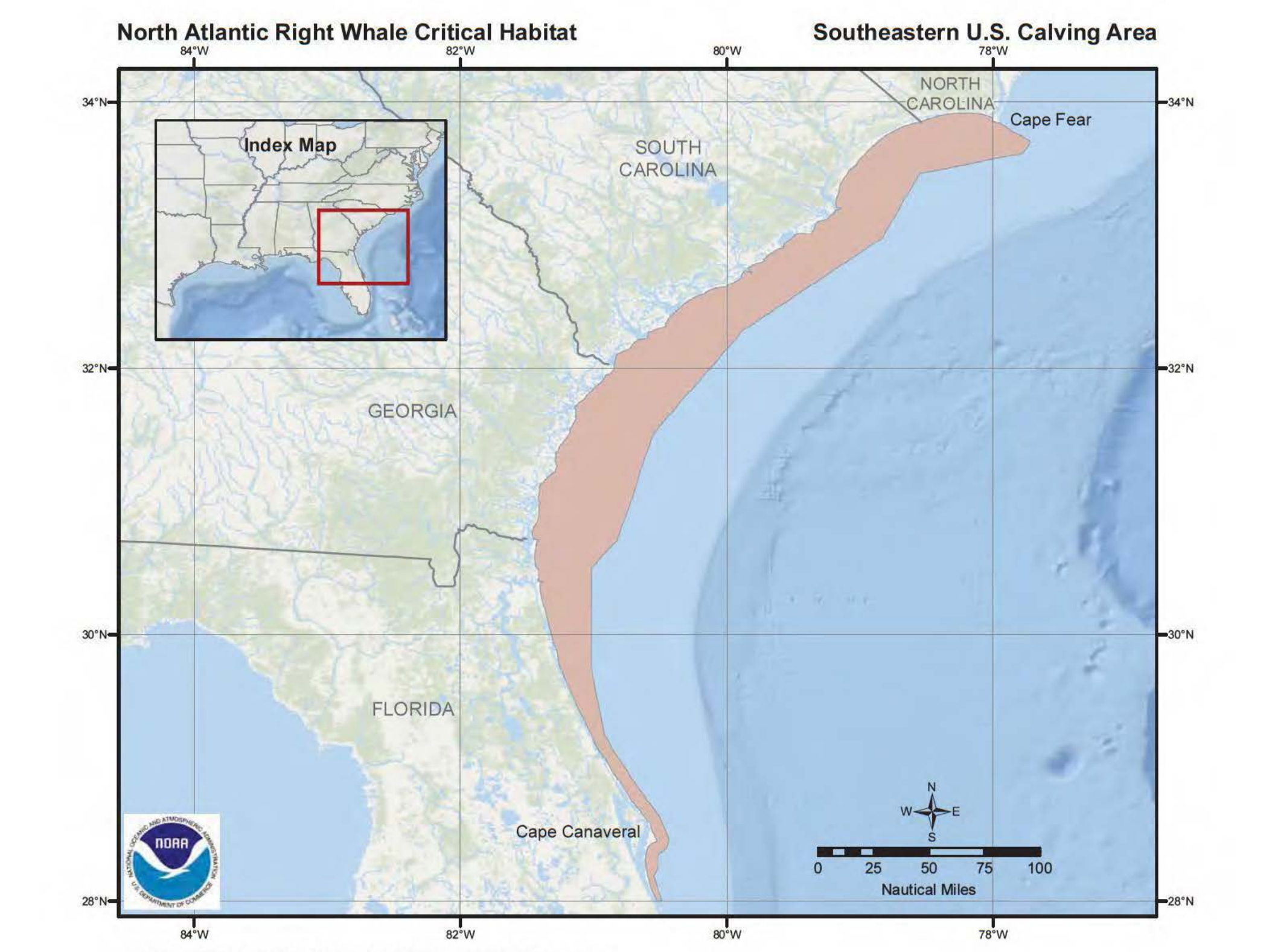
Attachment 25

North Atlantic Right Whale Critical Habitat.


North Atlantic Right Whale Critical Habitat
Southeastern U.S. Calving Area
84°W
82°W
80°W
78°W
34°N
32°N
30°N
28°N
NORTH CAROLINA
Cape Fear
SOUTH CAROLINA
Index Map
GEORGIA
FLORIDA
Cape Canaveral
N
W
E
S
0
25
50
75
100
Nautical Miles
NOAA
Esri Ocean Basemap Sources: Esri, DeLorme, GEBCO, NOAA NGDC, and other contributors

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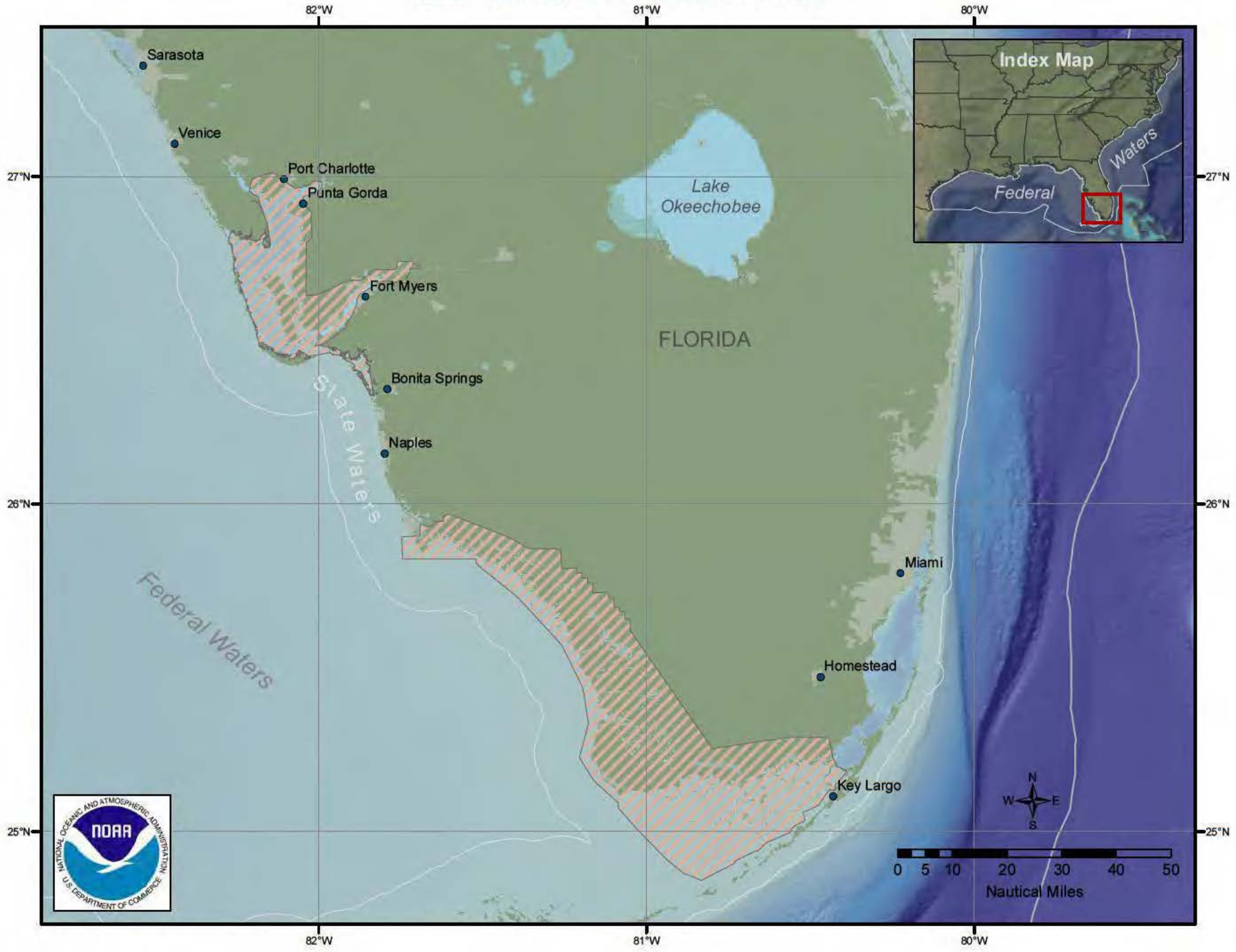
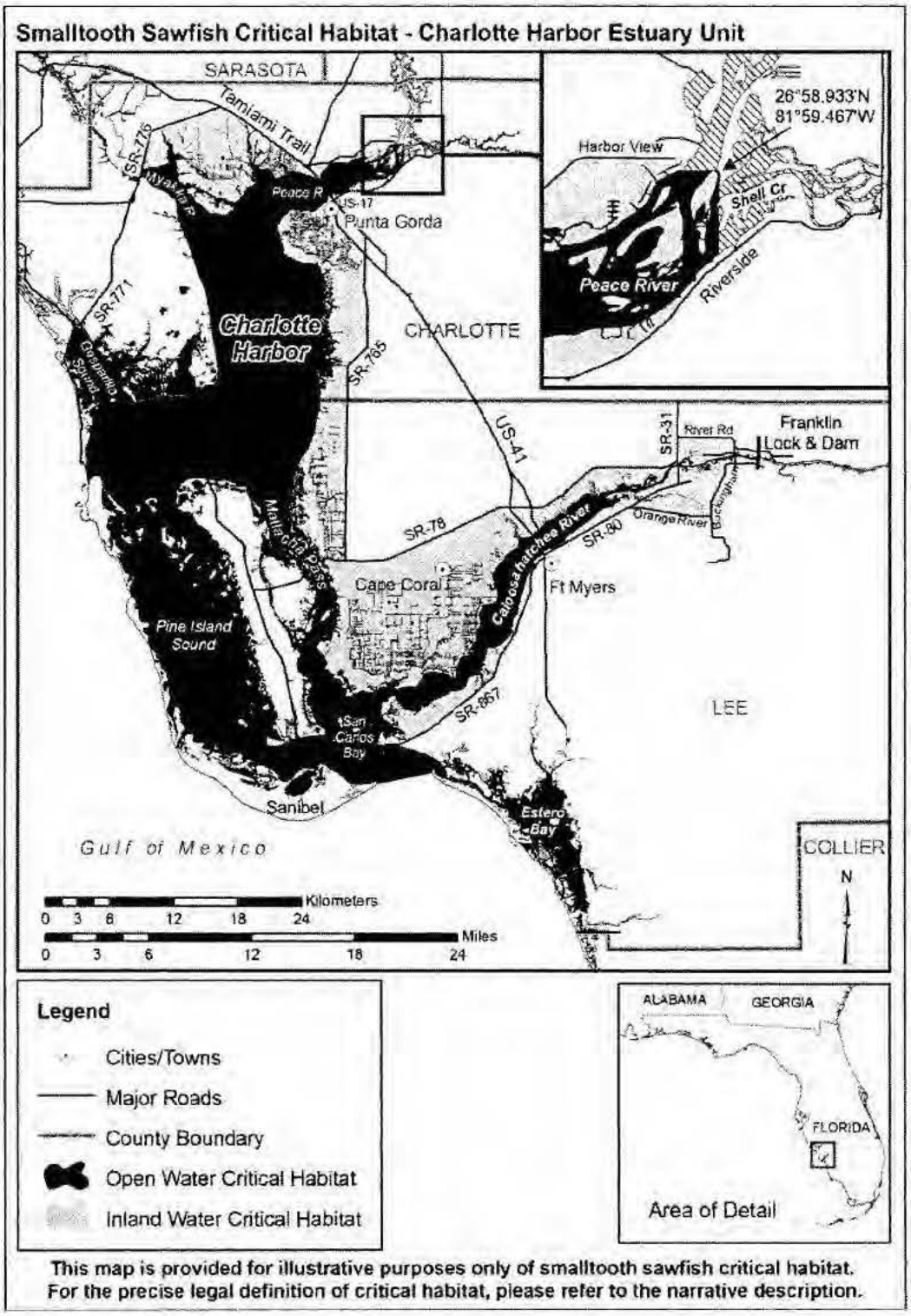
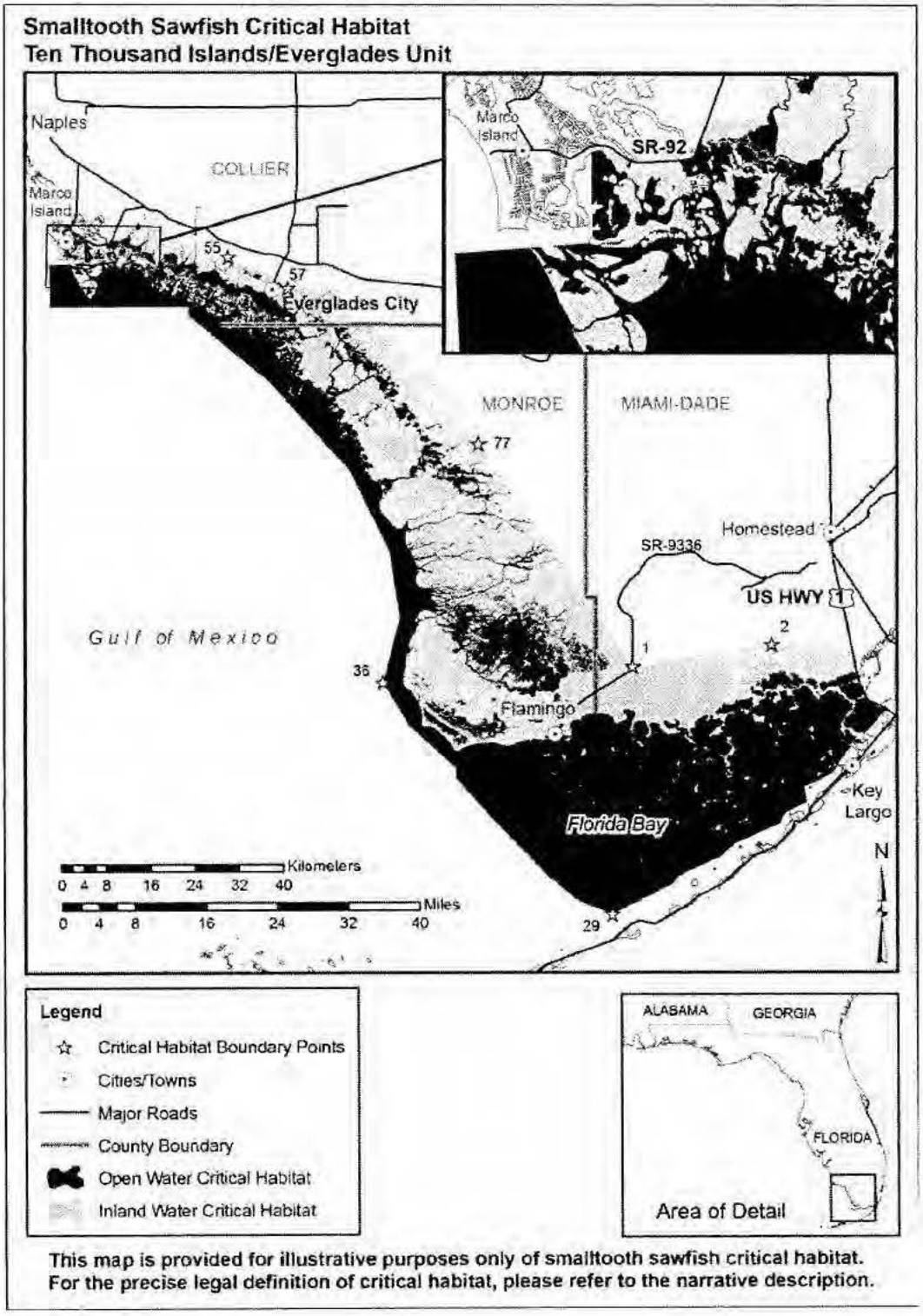
(SPGP VI-R1)

Attachment 26

Smalltooth Sawfish Critical Habitat Maps.


Smalltooth Sawfish Critical Habitat
82°W
81°W
80°W
27°N
26°N
25°N
Sarasota
Venice
Port Charlotte
Punta Gorda
Fort Myers
Bonita Springs
Naples
Miami
Homestead
Key Largo
Lake Okeechobee
FLORIDA
State Waters
Federal Waters
Index Map
Federal
Waters
N
W
E
S
0 5 10 20 30 40 50
Nautical Miles
NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE


Smalltooth Sawfish Critical Habitat - Charlotte Harbor Estuary Unit
SARASOTA
Tamiami Trail
SR-776
Myakka R
Peace R
US-17
Punta Gorda
26°58.933'N
81°59.467'W
Harbor View
Shell Cr
Peace River
Riverside
SR-771
Charlotte Harbor
CHARLOTTE
SR-765
Gasparilla Sound
US-41
SR-31
River Rd
Franklin Lock & Dam
Orange River
Buckingham
SR-78
Caloosahatchee River
SR-80
Cape Coral
Ft Myers
Pine Island Sound
San Carlos Bay
SR-867
LEE
Sanibel
Estero Bay
Gulf of Mexico
COLLIER
N
Kilometers
0 3 6 12 18 24
Miles
0 3 6 12 18 24
Legend
Cities/Towns
Major Roads
County Boundary
Open Water Critical Habitat
Inland Water Critical Habitat
ALABAMA
GEORGIA
FLORIDA
Area of Detail
This map is provided for illustrative purposes only of smalltooth sawfish critical habitat.
For the precise legal definition of critical habitat, please refer to the narrative description.



This map is provided for illustrative purposes only of smalltooth sawfish critical habitat. For the precise legal definition of critical habitat, please refer to the narrative description.

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Attachment 27

Smalltooth Sawfish Critical Habitat

Essential Features/PCEs

These pages are extract from the National Marine Fisheries Services' Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017.
Gray box shows text not applicable to Table 7

Marine Mammals			
North Atlantic right whale	E	P	NP
Blue whale	E	P	P
Fin whale	E	P	P
Sei whale	E	P	P
Sperm whale	E	P	P
Bryde's whale (proposed)	E	P	NP
E = endangered; T = threatened, P = Present, NP = Not Present			

Table 6. Designated Critical Habitat NMFS Believes is In or Near the Action Area

Species	Unit in Florida	Unit in U.S. Caribbean
Smalltooth sawfish	• Charlotte Harbor Estuary (CHEU).. • Ten Thousand Islands/ Everglades (TTIEU)..	N/A
Gulf sturgeon	Units 9-14[10]	N/A
Loggerhead sea turtle (NWA DPS)	• Nearshore Reproductive Habitat: Units.. LOGG-N-14 to 32.. • Breeding Habitat: Units LOGG-N-17, 19 • Migratory Habitat: Units LOGG-N-17, 18, 19.. • *Sargassum* Habitat: Unit LOGG-S-01..	N/A
Green sea turtle (NA DPS)	N/A	Culebra Island
Hawksbill sea turtle	N/A	Mona and Monita Island
Leatherback sea turtle	N/A	St Croix Island
Staghorn and elkhorn coral	Area 1: Florida	• Area 2: Puerto Rico and.. Associated Islands.. • Area 3: St. John/St. Thomas, U.S. Virgin Islands • Area 4: St. Croix, U.S... Virgin Islands..
Johnson's seagrass	Units A-J	N/A
North Atlantic right whale	Unit 2	N/A
Atlantic sturgeon	South Atlantic Unit 7[11]	N/A
N/A = Not applicable		

Table 7 (below) provides a complete list of the essential features/primary constituent elements (PCEs) of each critical habitat unit that occurs in Florida and the U.S. Caribbean. Note that the table below refers to both essential features and PCEs of critical habitat. This duality of terms is

[10] Gulf sturgeon critical habitat is under the joint jurisdiction of the USFWS and NMFS, with the USFWS managing riverine habitat and NMFS managing estuarine and marine habitats. Units 9-14 are the only areas under NMFS's jurisdiction that are found in the action area.

[11] The South Atlantic Unit 7 (St. Marys Unit) includes the St. Marys River in (1) Camden and Charlton Counties in Georgia and (2) Baker and Nassau Counties in Florida.

because the USFWS uses the term "PCE" and NMFS uses "essential features" when describing critical habitat. When we develop a critical habitat rule jointly with USFWS, the term PCE is often used. Recent amendments to the Services' joint regulations implementing the ESA, however, removed reference to "primary constituent elements" (81 FR 7414, Feb. 11, 2016). As we explained in the final rule, removing this phrase is not intended to substantively alter anything about the designation of critical habitat, but to eliminate redundancy in how we describe the physical or biological features. New critical habitat rules will describe physical biological features (PBFs) to help identify habitat essential to the conservation of the species. In this Opinion, we refer to the features as they were described in the rule designating that critical habitat. For example, the Gulf sturgeon critical habitat rule refers to PCEs, and thus we have used that term in the table below. Critical habitat boundary maps are available at http://sero.nmfs.noaa.gov/maps_gis_data/protected_resources/critical_habitat/index.html.

Table 7. Essential Features/PCEs/PBFs of Each Critical Habitat Unit in Florida and the U.S. Caribbean

Smalltooth sawfish (74 FR 45353, Sept. 2, 2009)	The physical and biological features essential to the conservation of the U.S. DPS of smalltooth sawfish, which provide nursery area functions are: red mangroves and shallow euryhaline habitats characterized by water depths between the Mean High Water line and 3 ft (0.9 m) measured at Mean Lower Low Water (MLLW). These features are included in critical habitat within the boundaries of the specific areas in paragraph (b) of this section, except where the features were not physically accessible to sawfish at the time of this designation (September 2009); for example, areas where existing water control structures prevent sawfish passage to habitats beyond the structure.
Gulf sturgeon (68 FR 13370, March 19, 2003)	Based on the best available information, there are 7 PCEs essential for the conservation of the Gulf sturgeon. Only the following 4 are under NMFS's jurisdiction: 1. Abundant prey items within estuarine and marine habitats and substrates for juvenile, subadult, and adult life stages; 2. Water quality, including temperature, salinity, pH, hardness, turbidity, oxygen content, and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages; 3. Sediment quality, including texture and other chemical characteristics, necessary for normal behavior, growth, and viability of all life stages; and 4. Safe and unobstructed migratory pathways necessary for passage within and between riverine, estuarine, and marine habitats (e.g., a river unobstructed by any permanent structure, or a dammed river that still allows for passage).

Loggerhead sea turtle (79 FR 39855, July 10, 2014)	1. Nearshore reproductive habitat: The PBF of nearshore reproductive habitat as a portion of the nearshore waters adjacent to nesting beaches that are used by hatchlings to egress to the open-water environment as well as by nesting females to transit between beach and open water during the nesting season. The following PCEs support this habitat: (i) Nearshore waters directly off the highest density nesting beaches and their adjacent beaches, as identified in 50 CFR 17.95(c), to 1.6 kilometer (km) offshore; (ii) Waters sufficiently free of obstructions or artificial lighting to allow transit through the surf zone and outward toward open water; and (iii) Waters with minimal man-made structures that could promote predators (i.e., nearshore predator concentration caused by submerged and emergent offshore structures), disrupt wave patterns necessary for orientation, and/or create excessive longshore currents. 2. Winter areas: Florida does not contain any winter areas. 3. Breeding areas: the PBF of concentrated breeding habitat as those sites with high densities of both male and female adult individuals during the breeding season. PCEs that support this habitat are the following: (i) High densities of reproductive male and female loggerheads; (ii) Proximity to primary Florida migratory corridor; and (iii) Proximity to Florida nesting grounds. 4. Constricted migratory habitat: the PBF of constricted migratory habitat as high use migratory corridors that are constricted (limited in width) by land on one side and the edge of the continental shelf and Gulf Stream on the other side. PCEs that support this habitat are the following: (i) Constricted continental shelf area relative to nearby continental shelf waters that concentrate migratory pathways; and (ii) Passage conditions to allow for migration to and from nesting, breeding, and/or foraging areas. 5. *Sargassum* habitat: the PBF of loggerhead *Sargassum* habitat as developmental and foraging habitat for young loggerheads where surface waters form accumulations of floating material, especially *Sargassum.* PCEs that support this habitat are the following: (i) Convergence zones, surface-water downwelling areas, the margins of major boundary currents (Gulf Stream), and other locations where there are concentrated components of the *Sargassum* community in water temperatures suitable for the optimal growth of *Sargassum* and inhabitance of loggerheads; (ii) *Sargassum* in concentrations that support adequate prey abundance and cover; (iii) Available prey and other material associated with *Sargassum* habitat including, but not limited to, plants and cyanobacteria and animals native to the *Sargassum* community such as hydroids and copepods; and (iv) Sufficient water depth and proximity to available currents to ensure offshore transport (out of the surf zone), and foraging and cover requirements by *Sargassum* for post-hatchling loggerheads, i.e., > 10-m depth.

Acropora (Staghorn and elkhorn coral) (73 FR 72210, Nov. 26, 2008)	The physical feature essential to the conservation of elkhorn and staghorn corals is: substrate of suitable quality and availability to support larval settlement and recruitment, and reattachment and recruitment of asexual fragments. "Substrate of suitable quality and availability" is defined as natural consolidated hard substrate or dead coral skeleton that is free from fleshy or turf macroalgae cover and sediment cover.
Johnson's seagrass (65 FR 17786, April 5, 2000)	Based on the best available information, general physical and biological features of the critical habitat areas include adequate water quality, salinity levels, water transparency, and stable, unconsolidated sediments that are free from physical disturbance.
North Atlantic right whale (81 FR 4837, Jan. 27, 2016)	Critical habitat includes 2 areas (Units) located in the Gulf of Maine and Georges Bank Region (Unit 1) and off the coast of North Carolina, South Carolina, Georgia and Florida (Unit 2). Only Unit 2 occurs within the action area. The physical features essential to the conservation of the North Atlantic right whale, which provide calving area functions in Unit 2, are: 1. Sea surface conditions associated with Force 4 or less on the Beaufort Scale 2. Sea surface temperatures of 7°C to 17°C 3. Water depths of 20-92 ft (6- 28 m), where these features simultaneously co-occur over contiguous areas of at least 231 squared nautical miles (nmi^2) of ocean waters during the months of November through April. When these features are available, they are selected by right whale cows and calves in dynamic combinations that are suitable for calving, nursing, and rearing, and which vary, within the ranges specified, depending on factors such as weather and age of the calves.
Atlantic sturgeon (82 FR 39160, August 17, 2017)	The physical features essential for the conservation of Atlantic sturgeon belonging to the Carolina and South Atlantic DPSs are those habitat components that support successful reproduction and recruitment. These are: 1. Hard bottom substrate (e.g., rock, cobble, gravel, limestone, boulder, etc.) in low salinity waters (i.e., 0.0-0.5 parts per thousand range) for settlement of fertilized eggs and refuge, growth, and development of early life stages; 2. Aquatic habitat inclusive of waters with a gradual downstream gradient of 0.5 up to as high as 30 parts per thousand and soft substrate (e.g., sand, mud) between the river mouth and spawning sites for juvenile foraging and physiological development; 3. Water of appropriate depth and absent physical barriers to passage (e.g., locks, dams, thermal plumes, turbidity, sound, reservoirs, gear, etc.) between the river mouth and spawning sites necessary to support: (i) Unimpeded movement of adults to and from spawning sites; (ii) Seasonal and physiologically dependent movement of juvenile

	Atlantic sturgeon to appropriate salinity zones within the river estuary; and (iii) Staging, resting, or holding of subadults or spawning condition adults. Water depths in main river channels must also be deep enough (at least 1.2 meters) to ensure continuous flow in the main channel at all times when any sturgeon life stage would be in the river; 4. Water quality conditions, especially in the bottom meter of the water column, with temperature and oxygen values that support: (i) Spawning; (ii) Annual and inter-annual adult, subadult, larval, and juvenile survival; and (iii) Larval, juvenile, and subadult growth, development, and recruitment. Appropriate temperature and oxygen values will vary interdependently, and depending on salinity in a particular habitat. For example, 6.0 mg/L dissolved oxygen or greater likely supports juvenile rearing habitat, whereas dissolved oxygen less than 5.0 mg/L for longer than 30 days is less likely to support rearing when water temperature is greater than 25°C. In temperatures greater than 26°C, dissolved oxygen greater than 4.3 mg/L is needed to protect survival and growth. Temperatures of 13 to 26 °C likely support spawning habitat.
Green sea turtle (63 FR 46693, Sept. 2,1998)	Critical habitat for the green sea turtle is designated in the waters surrounding the island of Culebra, Puerto Rico, from the mean high water line (MHWL) seaward to 3 nmi. These waters include Culebra's outlying Keys, including Cayo Norte, Cayo Ballena, Cayos Geniquí, Isla Culebrita, Arrecife Culebrita, Cayo de Luís Peña, Las Hermanas, El Mono, Cayo Lobo, Cayo Lobito, Cayo Botijuela, Alcarraza, Los Gemelos, and Piedra Steven. At the time of designation, essential features to critical habitat were not precisely defined; however, the critical habitat was designated to provide protection for important developmental and resting habitats. Juvenile and adult green sea turtles depend on seagrasses as the principal dietary component for foraging. In addition, coral reefs and other topographic features within the waters around Culebra Island and surrounding islands and cays provide green turtles with shelter during interforaging periods that serve as refuge from predators. On April 6, 2016, NMFS published a final rule listing 11 DPSs of the green sea turtle, including the NA DPS. 81 FR 20058; April 6, 2016. NMFS will issue a rule designating critical habitat for the DPSs in a future rulemaking. In the interim, the existing critical habitat designation described herein remains in effect for the NA DPS of green sea turtles.
Hawksbill sea turtles (63 FR 46693,	Critical habitat for the hawksbill sea turtle has been designated in the waters surrounding the islands of Mona and Monito, Puerto Rico, from the MHWL seaward to 3 nmi. At the time of designation, essential features to critical

Sept. 2, 1998)	habitat were not precisely defined; however, the critical habitat was designated to provide protection for important developmental and resting habitats. Hawksbill sea turtles depend on sponges as their principal dietary component and healthy coral reefs for foraging and shelter habitats.
Leatherback sea turtles (44 FR 8491, March 23, 1979)	Critical habitat for the leatherback sea turtle has been designated in the waters adjacent to Sandy Point on the southwest corner of St. Croix, U.S. Virgin Islands, in waters from the 100-fathom curve shoreward to the level of mean high tide, with boundaries at 17°42′12"N and 64°50′00″W. At the time of designation, essential features to critical habitat were not precisely defined; however, critical habitat for leatherback sea turtles was designated to provide protection to sea turtles using these waters for courting, breeding, and as access to and from nesting areas on Sandy Point Beach, St. Croix, U.S. Virgin Islands.

2.2 Activities Analyzed, Project Design Criteria, and Potential Routes of Effect

In this section of the Opinion, we describe the categories of activities under consultation, the PDCs that each activity must meet to be covered under this Opinion, and the expected effects of each category of activities on ESA-listed species and designated critical habitat. In particular, for each category of activity covered by this Opinion, we will provide the following information:

1. Activity Description: A general description of how the activity typically is implemented with sample photos and drawings. We are providing a general overview of the typical implementation for context; the installation materials, methods, and locations are limited by the PDCs.

2. PDCs: A description of the non-discretionary PDCs applicable to all projects covered under this Opinion. The general PDCs ensure that the covered activities meet certain thresholds designed to avoid or minimize impacts on ESA-listed species and critical habitat.

   In addition to the general PDCs, each of the 10 categories of covered activities is subject to additional activity-specific PDCs. Like the general PDCs, activity-specific PDCs are non-discretionary requirements for coverage under the Opinion that avoid or minimize the potential effects of permitted activities on ESA-listed species and designated critical habitat.

   All PDCs were developed based on information from the USACE's past permitting practices and review of consultations on USACE-authorized in-water construction activities in Florida and the U.S. Caribbean. The activity-specific PDCs are typical of measures used to protect ESA listed species and designated critical habitat and are substantially similar to the PDCs that NMFS included in other programmatic consultations with the USACE in the last 5 years including the SWPBO, 12 SAJ General Permit Programmatic, SAJ-42, SAJ-82, and SPGP IV-R1.

   In addition, PDCs designed to avoid or minimize effects on critical habitat are provided at the end of each category of activity when additional protections, beyond the general and activity-specific PDCs, are required to avoid or minimize effects on a particular critical habitat unit.

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Attachment 28

PDCs for In-Water Activities.

These pages are extract from the National Marine Fisheries Services' Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017.
Gray box on last page shows text not applicable to PDCs for In-Water Activities.

PDCs for In-Water Activities

For an activity to be covered under this Opinion, the USACE authorization must include the following conditions. Failure to comply with these conditions could result in enforcement action by the USACE and/or NMFS.

AP.7. **Education and Observation**: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:
http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

AP.8. **Reporting** of interactions with protected species:

a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to takereport.nmfsser@noaa.gov and SAJ-RD-Enforcement@usace.army.mil. .
b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email Sawfish@MyFWC.com
c) Sturgeon: Report dead sturgeon to 1-844-STURG 911 (1-844-788-7491) or email nmfs.ser.sturgeonnetwork@noaa.gov
d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

AP.9. **Vessel Traffic and Construction Equipment**: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

a) *Construction Equipment*:
   i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
   ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
   iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.

iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

b) *All Vessels*:
   i) Sea turtles: Maintain a minimum distance of 150 ft.
   ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
   iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (http://www.fisheries.noaa.gov/pr/shipstrike/).
   iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
   v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
   vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
   vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

AP.10. **<u>Turbidity Control Measures during Construction:</u>** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
   - Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
   - The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

AP.11. Entanglement: All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.

b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

PDCs for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass (Halophila johnsonii)*, dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

AP.12. Mangroves

- To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.

- Mangrove removal must be conductedin a manner that avoids any unnecessary removal and is limited to the following instances:
  - Removal to install up to a 4-ft-wide walkway for a dock.
  - Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
  - Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
  - Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.

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Attachment 29

Standard Manatee Conditions for In-Water Work (Manatee Construction Conditions)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall 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, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate 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.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

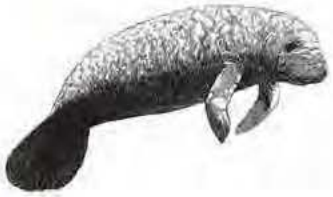
All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

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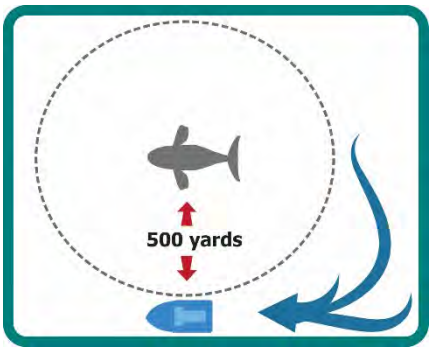
Attachment 30

North Atlantic Right Whale Information Form.

North Atlantic Right Whale Information Form

Federal Regulations Governing the Approach to North Atlantic Right Whales

1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.



   Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:
   - *(i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel*
   - *(ii) Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.*

2. Updates can be downloaded from:
   a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
   b. www.ecfr.gov