# United States Department of the Interior

**FISH AND WILDLIFE SERVICE**
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960


March 12, 2004

Daphne Macfarlan
National Oceanic and Atmospheric Administration
Restoration Center
9721 Executive Center Drive North, Suite 114
St. Petersburg, Florida 33702

Service Log No.: 4-1-04-TA-5034
Date: November 20, 2003
Applicant: City of Sanibel
Project: Clam Bayou Restoration Project
Maintenance Dredging
County: Lee

Dear Ms. Macfarlan:

The Fish and Wildlife Service (Service) has reviewed the plans, maps, and other information provided by the National Oceanic and Atmospheric Administration (NOAA) Restoration Center for the proposed project listed above. These comments are provided under the provisions of section 7 of the Endangered Species Act of 1973, as amended (87 Stat. 884; 16 U.S.C. 1531 *et seq.*) and the provisions of the Fish and Wildlife Coordination Act of 1958, as amended (48 Stat. 401; 16 U.S.C. 661 *et seq.*).

## PROJECT DESCRIPTION

The applicant proposes to install a 9.1-meter wide (30 feet) by 128-meter long (420 feet) culvert to restore tidal flow to Clam Bayou. The proposed project is located at 26.4727° N and 82.1645° W, on Sanibel Island in the Gulf of Mexico, Lee County, Florida. Construction activities associated with the project will occur between August and October 2004. Conservation measures to protect federally listed species include: (1) the entire work area will be cordoned off with silt curtains equipped with a weighted bottom edge to prevent the movement of West Indian manatees (*Trichechus manatus*) into the project area; (2) silt curtains will minimize effects to West Indian manatee critical habitat by preventing siltation of near-shore marine habitat; (3) a professional biologist will be at the project site at all times during construction to assess potential effects on federally listed species. Work will be halted immediately if any federally listed species are seen on the project site.

TAKE PRIDE IN AMERICA

THREATENED AND ENDANGERED SPECIES

NOAA has determined that the project "may affect, but is not likely to adversely affect" the federally endangered West Indian manatee and its critical habitat; the federally endangered American crocodile (*Crocodylus acutus*); the federally endangered wood stork (*Mycteria americana*); the federally endangered piping plover (*Charadrius melodus*); and the federally threatened bald eagle (*Haliaeetus leucocephalus*). Available information indicates that the project site is 1.8 kilometers (1.1 miles) outside of federally designated piping plover critical habitat, more than 5 kilometers (3.1 miles) from the nearest known wood stork rookery, and approximately 730 meters (2,400 feet) from an active eagle nest. Only one American crocodile is known to inhabit the island.

The applicant has made a significant effort to avoid and minimize potential adverse effects to federally listed species. In view of the nature of the proposed project and the fact that the applicant will implement the conservation measures as outlined in the project description above, the Service concurs with the NOAA's determination of "may affect, not likely to adversely affect".

If you have any questions, please contact Gary Popotnik of this office at 772-562-3909, extension 228.

Sincerely yours,

James J. Slack
Field Supervisor
South Florida Ecological Services Office