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July 13, 2005

Mr. Michael R. Barnett, P.E., Chief
Bureau of Beaches & Coastal Systems
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 300
Tallahassee, Florida 32399-3000

RE: Emergency Response to Hurricane Dennis

The Department of Environmental Protection issued the First Amended Emergency Final Order (OGC No. 05-1700) on July 11, 2005, in order to expedite certain activities in response to Hurricane Dennis. In regards to activities seaward of the Coastal Construction Control Line (CCCL) the emergency order requires coordination with the Fish and Wildlife Conservation Commission (FWC) in order to minimize possible impacts to wildlife. This letter provides best management practices that if followed, would minimize potential impacts to marine turtles, beach mice, and shorebirds.

Under normal circumstances neither the U.S. Fish and Wildlife Service (USFWS) nor the FWC authorize activities on nesting beaches during sea turtle nesting season (May 1 through October 31 in the Panhandle). The circumstances created by Hurricane Dennis have resulted in authorization of specific necessary activities associated with clean-up, repairs, and restoration. The FWC has coordinated with the USFWS in regards to steps that should be followed to minimize impacts to sea turtles, beach mice, and shore birds. Provided these steps are followed, the FWS concurred that the activities covered under the Emergency Order would not likely adversely affect these species. For any action that requires federal authorization, the FWS will coordinate and provide consultation under the provisions of Section 7 of the Endangered Species Act. Activities that do not require federal authorization should follow the conditions provided by the FWC as outlined in Attachment 1.

In order to minimize potential impacts on marine turtles the general approach will be to mark and avoid all sea turtle nets. The Commission will work with individuals that are permitted and authorized to conduct sea turtle surveys to attempt mark all known nests. Nests that were deposited prior to Hurricane Dennis and that are likely to still be viable will be remarked. Determination of nest viability and the requirement to remark these nest will be made by state permitted individuals. Nests that are deposited during the remainder of nesting season will be similarly marked by state permitted individuals. Nests are only allowed to be relocated for conservation purposes. The FWC will coordinate with the permitted individuals regarding authorization of nest relocation.

Attachment one provides standard conditions for conservation of marine turtles, beach mice, and shorebirds. Attachment 2 provides specific guidelines for protecting nesting shorebirds. The FWC and the USFWS have determined that special conditions for non-breeding piping plover are not needed in areas that are heavily developed. Provided these conditions are correctly implemented and followed the

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FWC and the USFWS have determined that the work covered under the Emergency Order would not likely adversely affect marine turtles, beach mice, or nesting shorebirds.

These guidelines are intended to facilitate structure demolition, debris clean-up and removal, and dune walkover repair, adjacent to or within beach and dune habitats that support marine turtles, beach mice or shorebirds. They do not apply to the new construction or expansion of developments or structures. Impacts to protected species related to new/expansion construction should be coordinated with both the FWC and the USFWS.

Thank you for the opportunity to provide comments and guidance intended to minimize potential adverse impacts to Florida's wildlife. We request that DEP facilitate the distribution of this guidance document. If DEP or local government representatives have questions regarding this letter or the attachments, please do not hesitate to contact us.

Because we anticipate that there will be a number of staff on leave or otherwise unavailable over the next few weeks, the following contact information is provided.

FWC

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Sincerely,



R. Kipp Frohlich
Section Leader
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RKF/rkf

Ms. Sandy MacPherson, FWS-Jax
Ms. Lorna Patrick, FWS-PC
Ms. Ann Marie Maharaj, FWS-Jax
Mr. Brad Smith, FWC
Ms. Nancy Douglass, FWC
Mr. Ricardo Zambrano, FWC
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