

Text excerpted from e:mail sent by Mary Mittiga, U.S. Fish and Wildlife Service to FDOT District 3 on July 21, 2005.

Hurricane Dennis made landfall in the Florida panhandle on July 10, 2005, causing widespread damage to roadways in Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, and Walton counties. A list of the major repair projects was provided to the Service on July 14, 2005. The following response is provided in accordance with Section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), the Coastal Barrier Resources Act of 1983, and Coastal Barrier Improvement Act of 1990. It is our understanding that this emergency work is currently underway in order to restore vital transportation corridors and that most actions will occur within the footprint of the existing roadway. We have reviewed the project areas for high potential presence (based on occurrence data) of federally threatened and endangered species (T&E) and their critical habitat, as well as other species of heightened concern. Attached is a table which lists road projects, potential species, and recommended measures to avoid and minimize impacts as your work proceeds.

Please review and indicate whether these conservation measures can be met during the emergency repairs. Provided these measures are incorporated into your project, the Service could concur with a determination that the proposed work is not likely to adversely affect listed species or adversely modify their critical habitat. No further coordination would be needed under the Act unless additional information becomes available or the scope of work changes. Should FDOT or FHWA be unable to incorporate these measures, we request additional coordination to minimize impacts and determine potential effects to listed species.

In addition, work on Santa Rosa Island may be within Units of the Coastal Barrier Resources System (CBRS). The Coastal Barrier Resources Act of 1983 and the Coastal Barrier Improvement Act of 1990 (Acts) limit federal expenditures and financial assistance within the CBRS Units. Specifically, repairs appear to be within Santa Rosa Island Unit FL-98 and Navarre Beach Unit FL-97. Maps of the units and the enclosures discussed in the attached table will be sent in a separate e-mail. Recognizing the national importance of coastal barrier ecosystems, as well as the inherent risks associated with development on coastal barrier areas, both Acts clearly intend to shift the burden of risk associated with development from the Federal to the non-Federal sector. In accordance with Section 6 of both Acts there are exceptions to limitations on federal fundings. Road maintenance, replacement, reconstruction, and repair, but not expansion, of publicly owned or operated roads that are essential links in a larger network are included as exceptions to the prohibition of federal expenditures. However, the Federal agency must still consult with the Service regarding the consistency of the "excepted" action with CBRA. Therefore, if federal assistance has been provided for this project, we request that site specific maps be provided to the Service to determine if the project is within the actual boundaries of the CBRS. If work is within these units, we request that a CBRA consultation be initiated with this office.

Thanks for your assistance in minimizing potential adverse impacts to protected species. Please don't hesitate to contact me if you have any questions or comments.

(See attached file: Road Damage - Hurricane Dennis.pdf)

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