

# THE 2020 SOUTH ATLANTIC BIOLOGICAL OPINION: WHAT'S NEW & WHAT YOU NEED TO KNOW



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*"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."*



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# 2020 SARBO OVERVIEW

Signed on March 27 2020; revised July 30, 2020

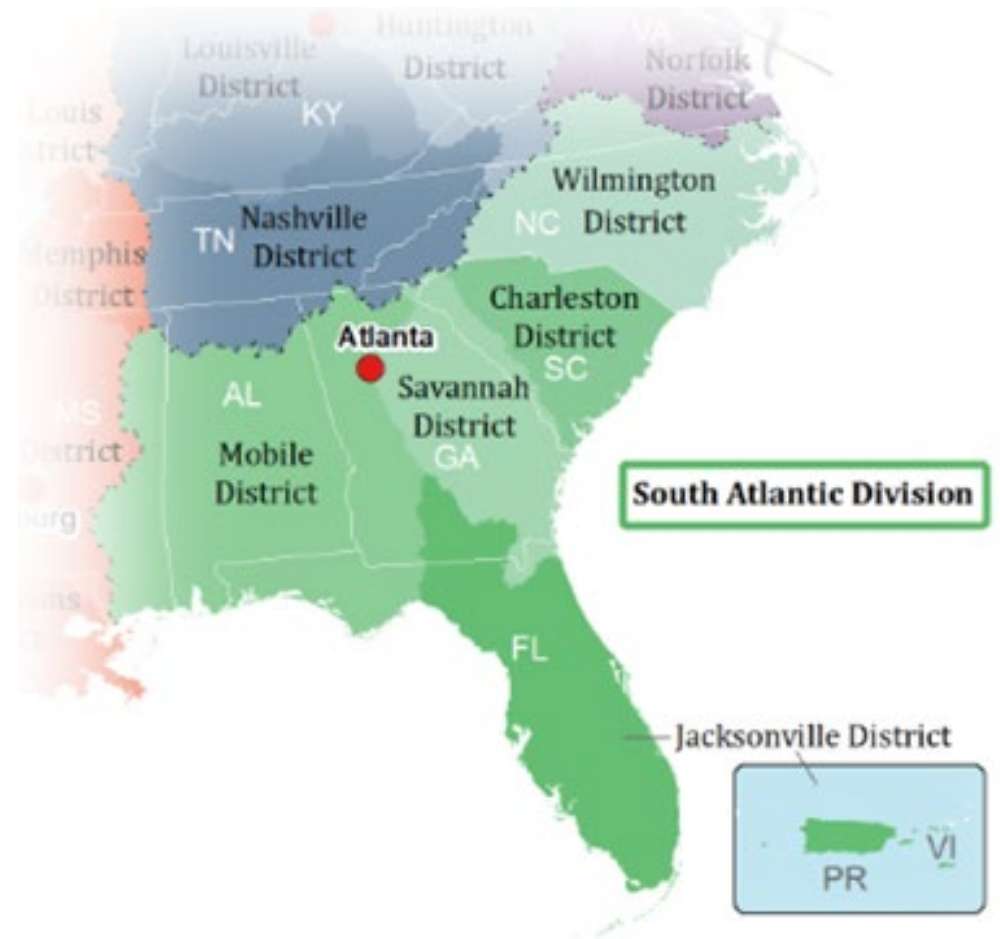
Covers Regulatory (RD) and Civil Works (CW)

Covers maintenance only (not new work)

<https://www.fisheries.noaa.gov/content/endangered-species-act-section-7-biological-opinions-southeast>  
(First link under "U.S. Army Corps of Engineers")

## Consulting Agencies:

- National Marine Fisheries Service (NMFS), Southeast Regional Office (SERO), Protected Resources Division (PRD)
- South Atlantic Division, USACE
- Bureau of Ocean and Energy Management (BOEM)



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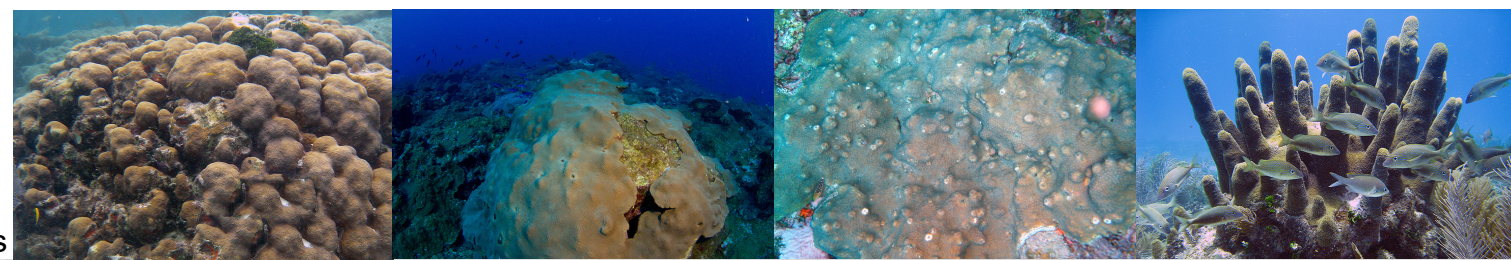
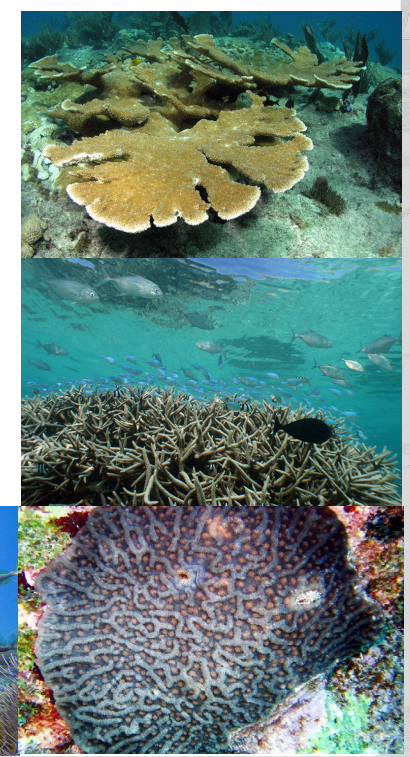
# WHAT STAYS THE SAME AND WHAT IS NEW

## What's the same?

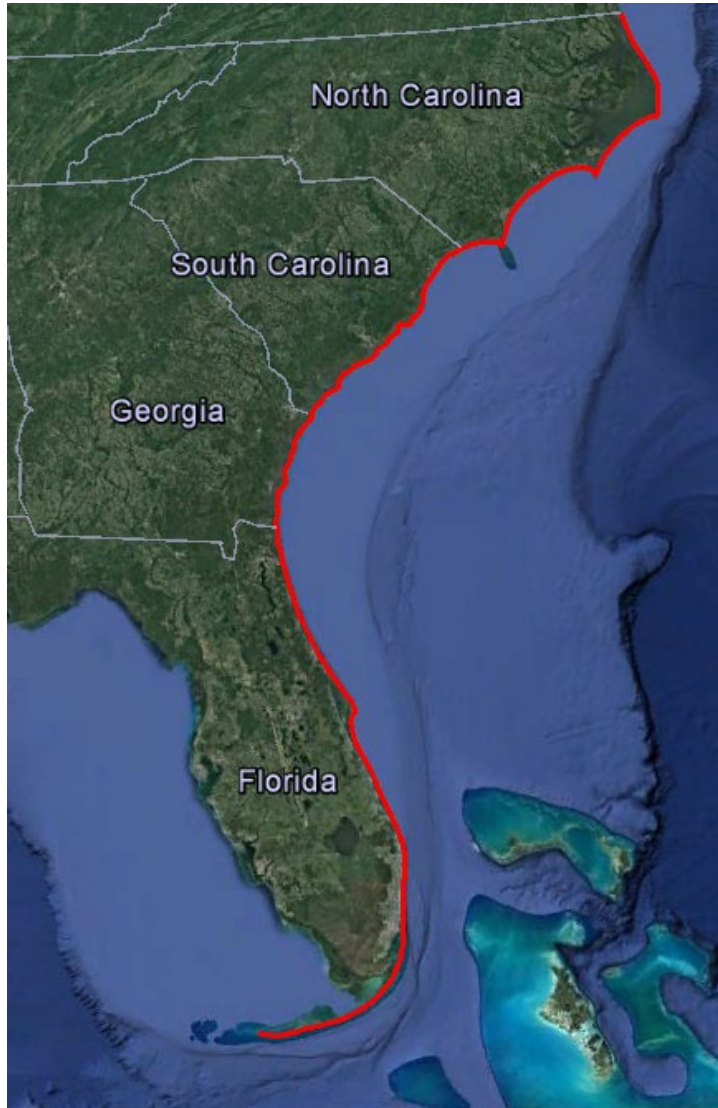
- South Atlantic Division is still the lead agency for the Opinion
- Covers Regulatory & Civil Works projects
- Covers only maintenance, not new work

## What's new?

- Inclusion of the North Atlantic Right Whale (NARW) Conservation Plan
- Focuses on managing all species, not just turtles
- Increased reporting requirements for all projects, not just takes and includes operational reporting
- Take is averaged over three (3) years
- New dredging technologies may be considered under SARBO Supersede review process (Section 2.9.5)



# ACTION AREA



“...waters off of the Atlantic coast, from the North Carolina/Virginia border south to the tip of Florida including the Florida Keys, and waters off of the Islands of Puerto Rico and the U.S. Virgin Islands.”  
(Section 2.8)



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# SPECIES COVERED BY 2020 SARBO

## SWIMMING SEA TURTLES:

- Loggerhead\* (NWA DPS)
- Green\* (NA and SA DPS)
- Kemp's ridley
- Leatherback\*
- Hawksbill

## FISH

- Atlantic sturgeon\* (SA DPS)
- Shortnose sturgeon
- Nassau grouper

## ELASMOBRANCHS

- Giant manta ray
- Oceanic whitetip shark
- Smalltooth sawfish (US DPS)
- Scalloped hammerhead shark (Central and SWA DPS)

## WHALES

- North Atlantic right whale\* (NARW)
- Blue
- Fin
- Sei
- Sperm

## NON-MOBILE SPECIES:

### CORALS

- Elkhorn\*
- Staghorn\*
- Boulder star
- Lobed star
- Mountainous star
- Pillar
- Rough Cactus

### MARINE PLANTS

- Johnson's seagrass\*

\*Denotes Designated Critical Habitat (DCH) covered by the 2020 SARBO

### References

- *Section 3 – Potential Routes of Effect to ESA-listed species and critical habitat*
- *Section 4 – Status of Species Likely to be Adversely Affected*



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# PROPOSED ACTION

Five types of activities are covered under the 2020 SARBO:

1. Dredging

- Maintenance dredging
- Dredging/sand mining in borrow sites
- Restoration dredging/muck dredging to improve water quality

*(Section 2.3)*

2. Dredged Material Placement

- Sand placement for beach nourishment
- Nearshore placement
- Placement in an ODMDS
- Upland placement

*(Section 2.4)*

3. Types of equipment and transportation of dredge materials between dredging and material placement locations

*(Section 2.5)*

4. G&G surveys performed by or authorized by the USACE necessary to complete dredging and material placement projects

*(Section 2.6)*

5. Monitoring for and handling of ESA-listed species encountered during projects covered under this Opinion

*(Section 2.7)*



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# PROJECT DESIGN CRITERIA (PDC)

- Describe how projects will be executed
- Used in lieu of Terms and Conditions and Conservation Recommendations
- Provides limitations to where projects can occur within the broader action area
- Project execution must be consistent with PDCs in order for an action to be covered by the SARBO

“Substantially similar” means the effects of the proposed project are consistent with the effects analyzed in the SARBO. In other words, the project does not result in effects to an ESA-listed species or critical habitat not considered in the SARBO.

## Supersede Process (*Section 2.9.5*)

- Supersede 1 – Inclusion of projects that deviate slightly from the PDCs
- Supersede 2 – New construction methodologies or equipment types that deviate from the proposed actions covered in the SARBO
- Supersede 3 – Minor revisions to 1 or more PDCs for future projects
- Supersede 4 – Project-specific review for relocation of ESA-listed corals

All Supersede requests must be coordinated through SAD and require written approval from NMFS prior to authorizing the project

Effects must be “substantially similar” to effects covered in the SARBO



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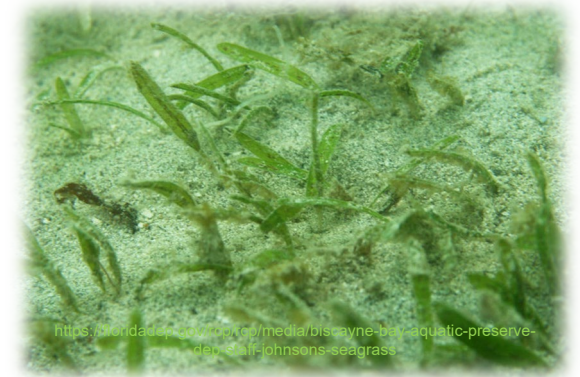


# PDC AND SURVEY REQUIREMENTS

- Coral Survey Requirements: Appendix C, Section 2



- Johnson's seagrass Survey Requirements: Appendix D, Section 2 & 3



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# RECOMMENDATIONS

## Best Practices!

- **Begin** coordination **early** and **maintain communication!**
- Document everything! This includes start/stop dates, quantities, R- monuments/locations
- Research to be aware of existing resources you can use
  - Resource surveys, monitoring plan, ongoing survey efforts by others
  - Surveys should follow protocol in the SARBO
- Maintain a repository of existing surveys
  - Update existing protocols if they don't match the SARBO
- Strive to meet the **intent** of the SARBO PDCs – if it is not an exact fit, use the Supersede Process

## Regulatory Permits ...

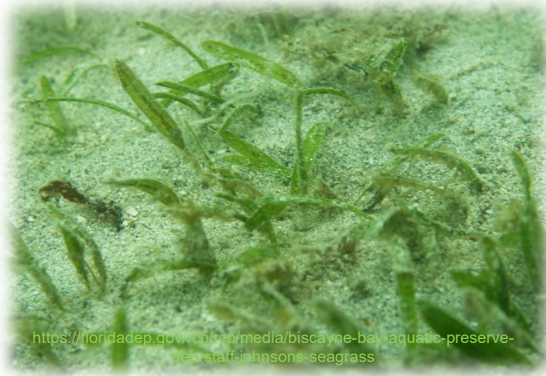
- Review all special conditions – SARBO has new requirements
- Existing permits using 1997 SARBO must now adhere to the 2020 SARBO
  - Request permit modification to ensure all conditions & reporting requirements are accurate
  - Email [RD.SARBO.GRBO@usace.army.mil](mailto:RD.SARBO.GRBO@usace.army.mil) if you are starting work in the next fiscal year to make sure all surveys and risk assessments are complete



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# QUESTIONS



<https://noradep.gov/media/biscayne-bay-aquatic-preserve-new-atl-johnson-seagrass>



<https://www.fisheries.noaa.gov/content/endangered-species-act-section-7-biological-opinions-southeast>  
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