

Species Management C-23 Reservoir: Snail Kites

With \$3.3 million in funding secured, SFWMD devised another emergency plan to hold water at a 360-acre impoundment at the future C-23 reservoir site in St. Lucie County to prevent algae from spreading; USFWS proposed severe limits on District's ability to actually operate the site, effectively rendering SFWMD's plan ineffective.

- Quote from [July 19, 2016, email](#) from the Corps citing USFWS: "The SFWMD will return the site to baseline conditions by January 30 through June 1 of each year. If the SFWMD proposes to discharge water to the site during this time period they must notify the Corps and FWS and wait for written concurrence.
- Quote from [another July 19, 2016, email](#) from the Corps citing more limiting conditions: "The SFWMD will drain the site prior to the wood stork and snail kite nesting season or will maintain the water levels during nesting season if nesting snail kites or wood storks are observed."

July 19, 2016, Email Exchange

From: [Sabin, Krista D SAJ](#)
Sent: Tuesday, July 19, 2016 10:03:58 AM
To: [Jeyakumar, Nirmala](#)
Cc: [Kamthe, Prajakta](#); [Velez, Eva](#); [Reilly, Laura](#)
Subject: SAJ-2016-01993, Section C
Importance: Normal

Good morning,

I am finishing up the BA to send to FWS. I am including the following minimization measures. Most are from the documents you submitted except for the last one which was discussed at the site visit. These will likely be conditions of the permit. Please review and confirm that you will comply.

* The U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013.

* All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo

snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

* The prior assessment indicated that surficial soils were not impacted with agro chemicals or metals above the State of Florida SQAG or interim screening level to protect the Everglade snail kite. To confirm the current site conditions the SFWMD will collect 10 close-proximity discrete soil samples from the fallow grove area proposed for agency flooding. The close-proximity discrete soil samples will be analyzed for copper. A 95 percent upper confidence limit (95% UCL) of the ten soil samples will be calculated to estimate the potential impact to short term surface water concentrations. Sub-aliquots from the 10 close-proximity samples will be composited into a sample for organophosphorus pesticide analysis. However, in the event that elevated concentrations of agro chemicals copper or organophosphorus pesticides are detected, the frequency of surface water sampling will be increased.

* The SFWMD will install one shallow 2-inch PVC monitoring well. The location of the well will be determined based on site conditions. The well will be installed in an area that will not be inundated to allow for accessibility. A ground water sample will be collected prior to the inundation and quarterly (three months) following inundation. Ground water samples will be evaluated for field parameters (temperature, pH, conductivity, and dissolved oxygen). Additional ground water samples will be submitted to the laboratory for analysis of total and dissolved copper and organophosphorus pesticides.

* The SFWMD will drain the site prior to the wood stork and snail kite nesting season or will maintain the water levels during nesting season if nesting snail kites or wood storks are observed.

Krista Sabin
Senior Project Manager
U.S. Army Corps of Engineers
Office: (561)472-3506
Email: Krista.D.Sabin@usace.army.mil

-----Original Message-----

From: Jeyakumar, Nirmala [<mailto:njeyaku@sfwmd.gov>]
Sent: Friday, July 15, 2016 3:55 PM
To: Sabin, Krista D SAJ <Krista.D.Sabin@usace.army.mil>; Zarbo, Alisa A SAJ <Alisa.A.Zarbo@usace.army.mil>
Cc: Kamthe, Prajakta <pkamthe@sfwmd.gov>; Velez, Eva <evelezto@sfwmd.gov>; Reilly, Laura <lreilly@sfwmd.gov>; Orth, James <jorth@sfwmd.gov>
Subject: [EXTERNAL] FW: Section C Documents to be submitted to the Corps
Importance: High

Hi Krista

Please see additional information that you and Steve Schubert requested in the field regarding the site's existing conditions, H&H Report and contaminants sampling proposal for the project.

Thank you,

Nimmy Jeyakumar
Section Administrator
Permit Acquisition & Compliance Section
Office of Everglades Policy and Coordination
South Florida Water Management District
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West Palm Beach, FL 33406
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July 19, 2016, Email

-----Original Message-----

From: Sabin, Krista D SAJ [<mailto:Krista.D.Sabin@usace.army.mil>]
Sent: Tuesday, July 19, 2016 3:48 PM
To: Kamthe, Prajakta <pkamthe@sfwmd.gov>
Subject: Section C ESA

Raj,

Just spoke to the Service and the proposed minimization measure is:

The SFWMD will return the site to baseline conditions by January 30 through June 1 of each year. If the SFWMD proposes to discharge water to the site during this time period they must notify the Corps and FWS and wait for written concurrence.

Can you help me define the baseline conditions? It may be in the documents you sent but you may be able to find it faster than me. We need the elevation of the 1. bottom of the large ditch/canals onsite 2. the bench in the reservoir 3. the bottom of the reservoir 4. the average elevation of the furrows

Also, please submit a description of how you will discharge the water offsite to obtain baseline conditions by Jan 30.

Did you get the results of the Cu tests?

Krista Sabin
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July 21, 2016, Email

From: Sabin, Krista D SAJ
Sent: Thursday, July 21, 2016 9:02:18 AM
To: Kamthe, Prajakta
Cc: Velez, Eva; Reilly, Laura; Jeyakumar, Nirmala
Subject: RE: Section C ESA
Importance: Normal

Good morning,

In order to initiate consultation with FWS I need a response regarding the minimization measures. Would it help to have a conference call with FWS to discuss the details?

Krista Sabin
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July 28, 2016, Email Exchange

From: Sabin, Krista D SAJ
Sent: Thursday, July 28, 2016 10:27:55 AM
To: Jeyakumar, Nirmala; Velez, Eva
Subject: FW: [EXTERNAL] Section C minimization measures
Importance: Normal

Hi Nimmy and Eva,

Please see email below. Steve has added a minimization measure to clarify when reinitiation of consultation would be required.

Krista Sabin
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-----Original Message-----

From: Schubert, Steve [mailto:steve_schubert@fws.gov]

Sent: Thursday, July 28, 2016 10:19 AM

To: Sabin, Krista D SAJ <Krista.D.Sabin@usace.army.mil>

Cc: Timothy Breen <timothy_breen@fws.gov>; Larry Williams <larry_williams@fws.gov>; Donald Progulske <bob_progulske@fws.gov>; Marks, Ernest <emarks@sfwmd.gov>

Subject: [EXTERNAL] Section C minimization measures

Krista,

This is the latest version of snail kite minimization measures for Section C Project. They are very similar to what I sent you yesterday, with a new #4 to clarify the option for re-initiation.

You will notice that I cc'd Ernie Marks, but please forward to Nimmy and her staff as needed so we can close this loop today.

Minimization Measures

The District has agreed to the following minimization measures:

1. Conduct bi-weekly snail kite monitoring on the entire site by qualified individuals from January 1 to the end of nesting season or September 31 (whichever is later); and to report findings on a monthly basis to the Service (Ecological Services office in Vero Beach, Florida; 772-562-3909) and Corps' Regulatory Office West Palm Beach, Florida. In the event that snail kites are detected, the District has agreed to report that to the Service and Corps within 3 business days.
2. In order to preclude the initiation of snail kite nesting and subsequent non-exempted take of snail kites, the District should manage the water levels on the site to match seasonal baseline hydrologic conditions (i.e., rainfall driven) from February 1st to June 1st (or the onset of the wet season, whichever is earlier). If, during January of any given year, snail kites occupy the site, and if weather forecast conditions are such that the District intends to hold more than seasonal baseline hydrologic conditions on the site beyond February 1st (in any given year) and up to June 1st (or the onset of the wet season, whichever is earlier), then water levels during this time period will be maintained at or above a minimum average depth of 10 inches deep across the site. This will allow the District to store water on the site, if needed, during for example, an "El Nino dry season."
3. If snail kites occupy the site during the wet season and after the District's first pumping event for that wet season where enough water is pumped so that the site has an average depth of 10 inches across the site, the District will maintain the site at or above a minimum average depth of 10 inches deep.
4. If at any time the above conditions cannot be met, the District will notify the Corps so that the Corps can determine if reinitiation of consultation with the Service for this project is necessary.

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