

MEMORANDUM FOR: David M. Bernhart, Assistant Regional Administrator for Protected Resources
Protected Resources Division (PRD)

THROUGH: Denise A. Walker, Attorney-Advisor
General Counsel Natural Resources Section

FROM: Jamie Schubert, Marine Habitat Resource Specialist
Restoration Center

SUBJECT: *Deepwater Horizon* Early Restoration Phase III: Gulf Island National Seashore Ferry Project – with pre-existing ESA consultation (August 22, 2011 Fort Pickens Passenger Ferry Pier determination): request for concurrence

The Gulf Island National Seashore Ferry Project is part of a suite of projects proposed for implementation in Phase III of the *Deepwater Horizon* Early Restoration.

The NOAA Restoration Center is the action agency for implementation of the Phase III Gulf Island National Seashore Ferry Project. In 2010, the NPS and US Army Corps of Engineers initiated a consultation with PRD SERO for this project, referred to then as “the Fort Pickens Passenger Ferry Pier.” On August 22, 2011, PRD SERO issued a letter of concurrence, concluding that the project is Not Likely to Adversely Affect sea turtles, smalltooth sawfish, Gulf sturgeon, or Gulf sturgeon critical habitat.

The NOAA Restoration Center with the support of Protected Resources staff evaluated the August 22, 2011, determinations and supporting documentation (attached), and determined that the current project has the same scope as the previously evaluated action. The NOAA Restoration Center is aware that loggerhead sea turtle critical habitat has been designated since the 2011 determinations. However, this project is not located within loggerhead sea turtle critical habitat and the project features and construction activities will have No Effect on loggerhead sea turtle critical habitat. The proposed project has not changed in scope, the site conditions are the same as those described in the previous consultation and the NOAA Restoration Center is unaware of any new information that would change the previous determinations. The NOAA Restoration Center and project proponent will implement the project as described in the 2011 letter of concurrence from NOAA PRD, including adherence to the precautionary measures, best management practices and requirements as described in the letter. Therefore the NOAA Restoration Center determines that the proposed activities May Affect but are Not Likely to Adversely Affect sea turtles, smalltooth sawfish, Gulf sturgeon, and Gulf sturgeon designated critical habitat.

SPECIES	STATUS	DETERMINATION
Leatherback sea turtle	Endangered	Not likely to adversely affect
Kemp’s ridley sea turtle	Endangered	Not likely to adversely affect
Hawksbill sea turtle	Endangered	Not likely to adversely affect

Green sea turtle	Endangered	Not likely to adversely affect
Loggerhead sea turtle	Threatened	Not likely to adversely affect
Smalltooth sawfish	Endangered	Not likely to adversely affect
Gulf sturgeon	Threatened	Not likely to adversely affect
Gulf sturgeon critical habitat		Not likely to adversely affect
Loggerhead sea turtle critical habitat		No Effect

The Restoration Center seeks PRD SERO's concurrence with the Restoration Center's findings.