



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345



In Reply Refer To:
FWS/R4/DH NRDAR

SEP 17 2014

Memorandum

To: Field Supervisors, Panama City Ecological Services Office, ^{Florida} ~~Alabama~~ Ecological Services Office

From: Deputy Deepwater Horizon, Department of the Interior Natural Resource Damage Assessment and Restoration (NRDAR), Case Manager *Wendy K. McCl...*

Subject: Request to Convert Conference Reports to Consultations Regarding Loggerhead Critical Habitat

The DWH Case Management Office recently completed conference reports that were adopted by DOI and your office, as informal consultations for several projects proposed for *Deepwater Horizon* Phase III Early Restoration (see Table 1) activities occurring near or within designated critical habitat for the Northwest Atlantic Ocean Loggerhead Sea Turtle Distinct Population Segment (Loggerhead CH). Your office concurred with our determination that no adverse modification or destruction of loggerhead critical habitat would occur due to the proposed projects. Subsequent to these consultations, we recognized the final critical habitat designation contained an additional Primary Constituent Element (PCE) for which we did not document our analyses. Therefore, this memo is to supplement our original analyses with a discussion of the fourth PCE in relation to the proposed projects.

The PCEs are the specific elements of the physical or biological features that provide for a species' life history processes and are essential to the conservation of the species. PCEs for Loggerhead CH include:

1. Suitable nesting beach habitat that:
 - a. has relatively unimpeded nearshore access from the ocean to the beach for nesting females and from the beach to the ocean for both post-nesting females and hatchlings, and
 - b. is located above mean high water to avoid being inundated frequently by high tides.
2. Sand that:
 - a. allows for suitable nest construction,
 - b. is suitable for facilitating gas diffusion conducive to embryo development, and
 - c. is able to develop and maintain temperatures and moisture content conducive to embryo development.
3. Suitable nesting beach habitat with sufficient darkness to ensure that nesting turtles are not deterred from emerging onto the beach and hatchlings and post-nesting females orient to the sea.

- 4. Natural coastal processes or artificially created or maintained habitat mimicking natural conditions.

The Service added the fourth PCE in the final designation in response to concerns and confusion regarding beach stabilization projects.

“This PCE addresses artificial habitat types that mimic the natural conditions described in the PCE 1-3 for beach access, nest site selection, nest construction, egg deposition and incubation, and hatchling emergence and movement to the sea. Habitat modification and loss occurs with beach stabilization activities that prevent the natural transfer and erosion and accretion of sediments along the ocean shoreline. Beach stabilization efforts that may impact loggerhead nesting include beach nourishment, beach maintenance, sediment dredging and disposal, inlet channelization, and construction of jetties and other hard structures. However, when sand placement activities result in beach habitat that mimics the natural beach habitat conditions, impacts to sea turtle nesting habitat are minimized.”
(79 FR 39756)

In our previous analyses, we evaluated potential impacts to the critical habitat from the proposed projects because sea turtles are known to use these areas for nesting regardless of whether the habitat was natural or artificial (or artificially maintained). Because our original analysis did not distinguish between natural or artificial habitats but did analyze potential impacts to beach access, nest site selection, nest construction, egg deposition and incubation, and hatchling emergence and movement to the sea, we have determined that our original analysis is still valid and no adverse modification or destruction of Loggerhead CH will occur.

We request your concurrence (via check box and signature below) that the proposed projects as described in the associated conference reports, informal consultation, and supplemented here will not adversely modify or destroy Loggerhead Critical Habitat. All other information and determinations remain the same. If you have questions or concerns regarding this request for consultation, please contact Holly Herod, Fish and Wildlife Biologist, at 404-679-7089 or holly_herod@fws.gov.

Attachment

Concurrence Non-Concurrence Comments (Attach if Necessary)

Cath J. Ameli
Signature of Reviewing Field Office

9-22-14
Date

Project Lead
Title

FWS Log No: 04EF3000-2014-TA-0258

Table 1. Proposed Phase III Early Restoration Projects within or near designated critical habitat for the Northwest Atlantic Ocean Loggerhead Sea Turtle Distinct Population Segment (Loggerhead CH). DOI made a “no adverse modification or destruction of critical habitat” determination and received field office concurrence.

State	Title	Conference Concurrence Date	Date of Adoption as Informal Consultation
AL	Gulf State Park Enhancement Project	May 16, 2014	August 5, 2014
FL	Enhancement of Franklin County Parks and Boat Ramps (Abercrombie Boat Ramp Project*, Waterfront Park Improvement Project, Indian Creek Park Boat Ramp Project, Eastpoint Fishing Pier Improvement Project, and St. George Island Fishing Pier Improvement Project)	March 24, 2014	August 6, 2014
FL	Walton County Boardwalks and Dune Crossovers and Deer Lake State Park Development	March 10, 2014	**
FL	Strategically Provided Boat Access Along Florida’s Gulf Coast - City of Mexico City Beach Marina	March 24, 2014	August 6, 2014
FL	Gulf County Recreation Project – Highland View Boat Ramp and Port St. Joe Frank Pate Boat Ramp, Florida	May 1, 2014	August 6, 2014
FL	Perdido Key Dune Restoration and Perdido Key State Park Beach Boardwalk Improvements	April 4, 2014	August 6, 2014
FL	Gulf County Recreation Project - Windmark Beach Fishing Pier Improvements	May 1, 2014	August 6, 2014
FL	Beach Enhancement Project at Gulf Island National Seashore ***	November 4, 2013	August 6, 2014

* The Abercrombie portion of the proposed project has been removed from the early restoration proposal by the project sponsor since the conference. All other aspects of the proposed project remain the same.

** This project is not located within Loggerhead CH and was inadvertently included in our request to convert the conference reports to informal consultations.

*** In the informal consultation and conference, we indicated the proposed beach enhancement project was not likely to adversely affect proposed critical habitat. This determination should have been modified to no adverse modification or destruction of proposed or designated critical habitat for any of the critical habitats considered within the consultation.