UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
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F/SER31:JBH

JUL 31 2014

MEMORANDUM FOR: F/HC3 – Leslie Craig

FROM: for F/SE – Roy E. Crabtree, Ph.D. Miles M. Croom

SUBJECT: Ref.: NOAA RC, Deepwater Horizon-Early Restoration Plan Phase III Docks, Walton County and Santa Rosa County, Florida

	Applicant	NMFS Number	Location
1	FL Department of Environmental Protection FL Fish and Wildlife Conservation Commission	SER-2014-13270	Walton County, Florida
2	FL Department of Environmental Protection FL Fish and Wildlife Conservation Commission	SER-2014-13275	Santa Rosa County, Florida

This memorandum responds to the National Oceanic and Atmospheric Administration (NOAA) Restoration Center's letters of February 12, 2014, and February 19, 2014, requesting National Marine Fisheries Service (NMFS) concurrence under Section 7 of the Endangered Species Act (ESA) with the project-effects determinations for the construction of docks in Santa Rosa County, Florida, and Walton County, Florida, respectively. You determined that the proposed activities are not likely to adversely affect sea turtles, Gulf sturgeon, smalltooth sawfish, and designated Gulf sturgeon critical habitat in Units 10 and 12. NMFS requested additional information via email on February 20, 2014. We received the responses on March 10, 2014, and we initiated consultation that day. NMFS's findings on the project's potential effects are based on the project descriptions in the March 10, 2014, responses; thus, any changes to the proposed actions may negate the findings of this consultation and may require reinitiation of the consultation with NMFS.

Deepwater Horizon Oil Spill Early Restoration

Under the Oil Pollution Act, designated agencies of the federal government and affected state governments act as trustees on behalf of the public. The Trustees are charged with recovering damages from the responsible parties to restore the public's natural resources that sustained injuries. NOAA shares trusteeship with the other natural resource trustees over all of the resources that will benefit from these restoration actions. The Trustees developed the Early Restoration selection process to be responsive to the purpose and need for conducting Early Restoration. Early Restoration project selection is a step-wise process comprised of: (1) project solicitation; (2) project screening; (3) negotiation with BP; and (4) public review and comment.

The Trustees released a Phase I Early Restoration Plan (ERP) in April 2012, a Phase II ERP in December 2012, and a draft Phase III ERP on May 6, 2013. On June 26, 2014, the Trustees released a final Phase III Plan. These plans contain a series of restoration actions that may be selected independently by the

Trustees. NMFS has previously completed consultations on the Phase I ERP projects and 13 of the projects included in the Phase III ERP.[1]

The Phase I ERP consists of 8 projects that address an array of injuries and are located throughout the Gulf (See Appendix 1). Specifically, Phase I includes 2 oyster projects (1 in Louisiana and 1 in Mississippi), 2 marsh projects (1 in Louisiana and 1 in Alabama), a nearshore artificial reef project in Mississippi, 2 dune projects, and a boat ramp enhancement project in Florida. Consultations on the Phase I projects were completed on April 2, 2012. NMFS determined that one of the marsh projects and both dune projects would have no effect on listed species and that other projects are not likely to adversely affect listed species or designated critical habitat under NMFS's purview. NMFS evaluated potential impacts on listed species (5 species of sea turtles, Gulf sturgeon and smalltooth sawfish) from placement of material, site exclusion, and dredging, and determined that these effects will be discountable or insignificant because of the species' mobility and ability to find suitable habitat for foraging in the surrounding areas. NMFS also evaluated potential impacts to sea turtles and Gulf sturgeon from fishing activities associated with the artificial reef project and determined that the effects are discountable because the enhancement of the existing artificial reefs is not expected to induce new fishing effort or increase the risk of harmful interactions between recreational fishers and listed species. The boat ramp project will enhance two existing boat ramps and allow an additional 92 vessels to be launched from two new public boat ramps. The purpose of these projects is to relieve traffic and congestion at other boat ramps in the areas. NMFS determined that any increase in vessel strike risk to sea turtles is discountable because the new boat ramps are likely to be used by people who currently have vessels and a previous NMFS analysis concluded that a typical dock or marina project in Florida that introduces less than 300 new vessels to an area will have an insignificant or discountable effect on sea turtles.

Three of the Phase I projects (1 boat ramp, 1 oyster project, and the nearshore artificial reef project) are located in Gulf sturgeon critical habitat. The boat ramp is located in Unit 9 and the oyster project and artificial reef projects are located in Unit 8. NMFS determined that the boat ramp project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 9 because the construction will occur in the same footprint and will be the same dimensions as the existing piers, any increases in turbidity are expected to be localized and temporary and insignificant, and the texture and quality of the sediments and its ability to support prey items are expected to be the same pre- and post-project. NMFS similarly concluded that the oyster project and artificial reef project will not adversely affect Gulf sturgeon critical habitat in Unit 8 because the placement of clean, toxin-free material will not alter water or sediment quality and the addition of this material to existing hardbottom will not alter prey availability.

To date, NMFS has completed 11 consultations covering 25 Phase III projects (See Appendix 2). These projects are 4 artificial reef projects (3 in Texas and 1 in Florida), 2 oyster projects (1 in Florida and 1 in Alabama), 4 living shoreline projects (1 in Alabama, 1 in Mississippi and 2 in Florida), 10 Florida boat ramp/dock projects, a scallop enhancement project in Florida, a Florida beach enhancement project, a North Breton Island, Louisiana, restoration project, a Mississippi fishing pier project, and a Florida fish hatchery project. As with the Phase I projects, NMFS evaluated potential impacts on listed species (5 species of sea turtles and Gulf sturgeon) from placement of material, site exclusion, and dredging, and determined that these effects will be discountable or insignificant because of the species' mobility and ability to find suitable habitat for foraging in the surrounding areas. NMFS also evaluated the impacts of noise created from construction, where applicable, and determined that the risk of short- or long-term exposure to harmful noise is discountable, and any sounds heard by them will have insignificant health effects. NMFS determined that the potential impacts to sea turtles and Gulf sturgeon from fishing

[1] Neither of the Phase II ERP projects involve in-water work and, therefore, NMFS did not receive a request for section 7 consultation.

activities associated with the 4 artificial reef projects are discountable because the enhancement of the existing artificial reefs is not expected to induce new fishing effort. NMFS also determined that the risk of vessel strike impacts to turtles from future use of the artificial reef sites is discountable because use of the site will generally coincide with fair weather patterns and calm sea states that will allow boaters to detect and avoid any sea turtles in their path.

Eleven of the Phase III projects (3 living shoreline projects, 1 Florida fish hatchery, 3 boat ramp projects, 1 beach enhancement project, 1 Florida oyster reef project, 1 scallop enhancement project, and 1 Florida artificial reef project) are located in Gulf sturgeon critical habitat. The living shoreline projects are located in Units 8, 9, and 13. The Florida fish hatchery is located in Unit 9. The boat ramp projects are located in Units 9 and 13. The beach enhancement project is located in Unit 11, the oyster project is located in Units 9 and 13, the scallop enhancement project is located in Units 9, 10, 12, and 13, and the Florida artificial reef project is located in Unit 11. NMFS determined that the scallop enhancement project and Florida fish hatchery project will have no effect on Gulf sturgeon critical habitat and that the other projects are not likely to adversely affect the essential features of Gulf sturgeon critical habitat (water quality, sediment quality, prey abundance, and safe and unobstructed migratory pathways). The oyster reef project will place clean, non-toxic material over existing hardbottom, which will make any impacts to water quality, sediment quality, or prey abundance discountable. The beach enhancement project will improve sediment quality and effects to prey abundance, water quality and migratory pathways will be insignificant because the work will take place in shallower water than normal foraging depths, any increased turbidity will be temporary and within natural background levels, and sand placement in the shallow waters along the beach will not interfere with migration. The Florida artificial reef project will have no effect on the sediment quality. The effects to water quality and prey abundance will be insignificant because turbidity will be temporary and within natural background levels and will not reduce prey availability overall in the areas surrounding the modules. Any impacts to migratory pathways will be discountable because the reef structures are in open water and spaced out sufficiently for Gulf sturgeon to move. The installation of the 8-inch-diameter seawater intake pipe for the fish hatchery project will have no effect on sediment quality. The effects to water quality and prey abundance will be insignificant because the turbidity will be temporary and within natural background levels and will not reduce prey availability in the areas surrounding the pipe. The boat ramp projects will have no effect on sediment quality. The effects to water quality and prey abundance will be insignificant because turbidity will be temporary and within natural background levels and will not reduce prey availability overall in the areas surrounding the ramps or docks. Last, the living shoreline projects may temporarily increase turbidity and displace some prey species but these impacts are expected to be insignificant. With respect to prey abundance, the living shoreline projects are expected to have long-term beneficial impacts by increasing prey abundance in adjacent areas.

Current Projects

These projects are part of the Phase III ERP and each project is described in detail below and locations are shown in the figures attached (all project location data are North American Datum 1983). All of the applicants will follow NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006.

1. The Bayside Ranchettes Park Improvement project is located at 30.37925°N, 86.14691°W, on the southeast side of Choctawhatchee Bay in Santa Rosa Beach, Florida (Figure 1). The proposed improvements include constructing a new parking area, a picnic table, an observation dock, and steps from the shoreline into the water allowing access to the bay. Developed residential areas, where the shoreline is armored and interrupted frequently by docks, are found adjacent to the project site. The

project site shoreline is also armored (rip-rap) and has open-water, sandy-bottom habitat without submerged aquatic vegetation.

The applicant proposes to build a 360-square-foot (ft^2) dock (6 ft by 60 ft) for observation and canoe/kayak launching. A maximum of 26 wood piles will be needed for the dock construction. It is anticipated that the piles will be no larger than 8 inches in diameter and will be installed by water jetting or mechanical augering from small work boats. Installation of piles and associated cross pieces will be set from the boats, and the remaining dock construction will be built out from the shore. No slips will be added. Best management practices for erosion control will be implemented and maintained at all times during construction to minimize disruption to the aquatic environment. Construction is anticipated to take from 2-6 months, with in-water work only a fraction of this time.

Figure 1. Image showing the project location (©2014 Google, Data SIO, NOAA, U.S. Navy, NGA, GEBCO)

2. The Navarre Beach Park Coastal Access project is located at 30.38412°N, 86.85917°W, on the southeast side of Santa Rosa Sound in Navarre, Florida (Figure 2). The proposed project will construct new infrastructure to increase the public's opportunities to safely access coastal resources, including the beach and waters of Santa Rosa Sound. The project includes design and construction of two new beach-access boardwalks from the existing pavilion/parking lots to the Santa Rosa Sound and a new dock for launching canoes/kayaks.

The applicant proposes to build a 542 ft^2 dock, approximately 120 ft by 4.5 ft. A maximum of 30 wood piles will be needed for the dock construction. It is anticipated that the piles will be no larger than 8 inches in diameter and will be installed by water jetting or mechanical augering from small work boats. Installation of piles and associated cross pieces will be set from the boats, and the remaining dock construction will be built out from the shore. No slips will be added. Best management practices for erosion control upland will be implemented and maintained at all times during construction. Construction is anticipated to take 1 year, with the in-water work taking approximately 3 months.

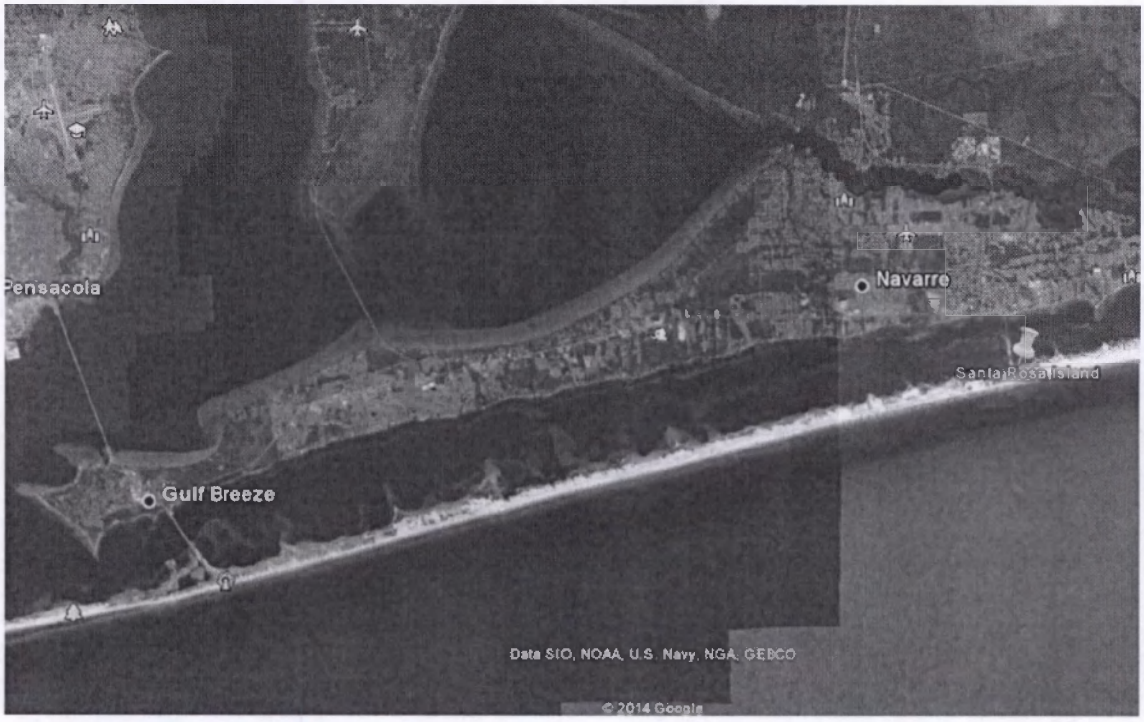

Figure 2. Image showing project location (©Google, Data SIO, NOAA, U.S. Navy, NGA, GEBCO)

Effects of Proposed Actions:

We believe that only sea turtles (the endangered Kemp's ridley; the threatened loggerhead,[2] and the threatened/endangered green[3]) and the threatened Gulf sturgeon may be present in the action areas and may be affected by the projects. We believe leatherback and hawksbill sea turtles, and smalltooth sawfish will not be present, and thus will not be affected. The turtles' very-specific foraging and life history habitat requirements are not met in or near the action areas: leatherbacks are deepwater pelagic species and hawksbills are associated with coral reefs. Leatherback sea turtles do nest, with rarity, along the western Gulf coastline, near the Bayside Ranchettes Park Improvement project, but the density is low (Table 1) and nests are not likely to be present in the project area. With the exception of a few nests on the Gulf coast, leatherback sea turtles nest almost exclusively on the east coast of Florida.[4] Smalltooth

[2] Northwest Atlantic Ocean distinct population segment (DPS)

[3] Green turtles are listed as threatened except for the Florida and Pacific coast of Mexico breeding populations, which are listed as endangered.

[4] Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, Leatherback Nesting Data (Feb. 14, 2014) (http://www.myfwc.com/research/wildlife/sea-turtles/nesting/leatherback).

sawfish distribution has contracted to peninsular Florida and, within that area, they can only be found with regularity off the extreme southern portion of the state.

Table 1. Leatherback Florida nesting data by county

FWC Fish and Wildlife Research Institute
Statewide Nesting Beach Survey Program
Leatherback Nesting Data, 2009-2013
Source: FWC/FWRI Statewide Nesting Beach Survey Program Database as of 14 Feb 2014

County	2009	2010	2011	2012	2013
Nassau	0	1	3	7	0
Duval	5	2	3	6	3
St. Johns	20	4	23	13	16
Flagler	8	0	13	7	6
Volusia	19	15	22	23	18
Brevard	70	77	102	91	76
Indian River	61	87	61	66	56
St. Lucie	235	203	254	189	94
Martin	663	561	649	627	352
Palm Beach	615	368	517	622	253
Broward	45	14	5	46	18
Miami-Dade	5	2	0	11	3
Monroe	0	0	0	0	1
Collier	0	0	0	0	0
Lee	1	0	0	0	0
Charlotte	0	0	0	0	0
Sarasota	0	0	0	0	0
Manatee	0	0	0	0	0
Hillsborough	0	0	0	0	0
Pinellas	0	0	0	0	0
Franklin	0	0	1	0	0
Gulf	0	0	0	0	0
Bay	0	0	0	2	0
Walton	0	0	0	1	0
Okaloosa	0	0	0	1	0
Santa Rosa	0	0	0	0	0
Escambia	0	0	0	0	0
Yearly Statewide Totals	1,747	1,334	1,653	1,712	896

Sea turtles and Gulf sturgeon could be struck by the small workboats or pile-jetting or augering machinery, but these events are implausible due to the species' mobility, ability to detect in-water disturbances, and expected avoidance of the active construction area. As well, NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions*, dated March 23, 2006, require work to stop if a listed species is observed within 50 feet of operating machinery.

NMFS has identified the following potential adverse effects to Kemp's ridley, loggerhead, and green sea turtles, Gulf sturgeon, and Gulf sturgeon critical habitat and has concluded the species and critical habitat are not likely to be adversely affected by the proposed actions because all effects are insignificant or discountable, as described below.

Species Analysis

1. Noise created during pile installation could affect these species through behavioral changes or through physical injury. NMFS believes that due to the unrestricted, open-water nature of the action areas, and the species' mobility, hearing abilities, and expected avoidance behaviors, sea turtles and Gulf

sturgeon are unlikely to voluntarily remain in the vicinity of annoying levels of noise and be exposed to potentially harmful noise effects. Based on data from the Federal Highway Administration (2012)[5] on impact pile driving threshold noise levels for fish, we believe that the risk of noise-induced injury from the jetting and mechanical augering of piles will be discountable because the noise levels will not exceed injury or behavioral-effect thresholds for these species (206 dB threshold for physical injury; the thresholds for behavioral effects are 150 dB for fish and 160 dB for sea turtles). Fish are considered more sensitive to physical injury than sea turtles; therefore, fish injury thresholds are used as conservative interim criteria. Jetting uses high-pressure water sprayed beneath the pile to excavate sediment and sand layers, and is often used in conjunction with other pile-driving methods to assist penetration of the pile into the substrate. Jetting results in much lower noise levels than either impact or vibratory pile driving alone and minimizes the amount of hammering necessary. Noise measurements taken with water jetting turned on or off during pile driving resulted in no additional noise recorded above that of the pile-driving noise (CALTRANS 2007).[6] If used by itself as the sole pile-driving method, source levels for jetting are well below the 150 dB re 1 µPa RMS threshold for behavioral disturbance to sturgeon and the 160 dB re 1 µPa RMS threshold for sea turtles. Augering is used to install piles into hard substrates. Noise levels from small-scale augering operations that are representative of dock construction methods have been measured to be no more than 107 dB re 1 Pa (0-peak) at 7.5 m from the source (Willis et. al 2010).[7] Noise associated with augering is well below the injury and behavioral thresholds. Pile-driving noise may elicit a behavioral response in both sea turtles and Gulf sturgeon, but given the project sites' features and the short duration of pile installation, we believe these effects will be insignificant.

2. Sea turtles and Gulf sturgeon may be temporarily unable to use the sites for foraging or shelter habitat due to avoidance of construction activities, related noise, and exclusion by turbidity barriers. These effects will be temporary and insignificant, given the projects' small footprints and limited durations, and the fact that the project areas provide relatively poor habitat for these species. Due to the shallow water depths, the project areas provide poor foraging and refuge habitat for the sturgeon. Gulf sturgeon are suction feeders, using their relatively narrow mouths to funnel water and prey items. Because of their feeding morphology, they are usually found at slightly deeper depths (greater than 6 ft), where there is lower wave energy.[8] There are ample available foraging and refuge habitats for Gulf sturgeon outside of, but adjacent to, the sites just offshore, where the depths provide more suitable habitat to Gulf sturgeon. The features of the areas also exhibit limited foraging resources for turtles (no submerged aquatic vegetation at either site), inshore inter/subtidal habitats, and long distances from the nearest passes out into the Gulf of Mexico (nearly 20 miles for both projects), all of which make the areas relatively poor habitats for turtles. Loggerhead sea turtle nesting occurs on the outer coast sand beaches of Perdido Key, Santa Rosa Island, and sand beaches near the entrance to Choctawhatchee Bay. Green sea turtles may be nesting on the outer coast sand beaches of Santa Rosa Island, and Moreno Point. None of these nesting areas will be impacted by these projects.

NMFS has also considered the effects of these projects in conjunction with the effects associated with the Phase I and Phase III projects that have previously undergone Section 7 consultations and concludes there are no additive effects of the projects overall that rise above the level of effects considered for each of the individual projects. The potential impacts to listed species from construction activities are limited in time and place, and cease to exist once the project is complete.

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[5] Federal Highway Administration. 2012. Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish. Final. February (ICF 645.10). Prepared by ICF International, Seattle, WA.
[6] CALTRANS. 2007. Compendium of Pile Driving Sound Data. Report prepared by Illinworth and Rodkin, Inc.
[7] Willis, M. R., M. Broudic, M. Bhurosah, and I. Masters. 2010. Noise Associated with Small Scale Drilling Operations. Paper submitted to the 3rd International Conference on Ocean Energy. Bilbao, Spain.
[8] Bolden, S. NMFS Memorandum dated June 8, 2007: Gulf sturgeon critical habitat: analysis of foraging habitat with application to ESA Section 7 consultations. NMFS Southeast Regional Office, Protected Resources Division.

Critical Habitat Analysis

The essential features for the conservation of Gulf sturgeon present in critical habitat Units 10 and 12 are: (1) abundant prey items; (2) water quality and sediment quality necessary for normal behavior, growth, and viability of all life stages; and (3) safe and unobstructed migratory pathways necessary for passage within and between riverine, estuarine, and marine habitats. Of these essential features, NMFS believes prey abundance and water quality may be affected.

1. Prey abundance in Gulf sturgeon foraging sites may be affected by the installation of dock piles and the replacement of 9.08 ft^2 of substrate at Bayside Ranchettes Park and 10.47 ft^2 of substrate at Navarre Beach Park. The overall area of prey habitat displaced permanently will be insignificant compared to the overall prey habitat available across the entire critical habitat Units 10 and 12. The pile placement method (i.e., water jetting, pushing, or mechanical augering) might only result in moving prey items outside the footprint of the pile. This will still allow foraging next to the pile, thereby serving the feeding function of the critical habitat. Additionally, sturgeon are opportunistic feeders and are known to forage over large areas. Ample, alternate similar habitat exists at, nearby, and immediately adjacent to the project site. Any decrease in numbers of prey species within the project's footprints will be minimal in relation to their numbers across the entire critical habitat units. Effects to the prey abundance essential feature of critical habitat will therefore be insignificant. Effects to the ecological functions and values of the critical habitat units for Gulf sturgeon also will be insignificant, for the same reasons. In addition, as previously noted, Gulf sturgeon do not commonly feed in depths shallower than 6 feet, so the portions of the projects that occur in shallower areas will not generally impact Gulf sturgeon feeding.

2. Water quality will be temporarily affected by disturbance to the bottom sediments during pile-installation activities. The effects are expected to be insignificant, given that increases in turbidity will be temporary. In addition, sediments will settle out of the water column quickly, and/or tidal currents will disperse the disturbed sediments, so that the areas will quickly return to baseline conditions.

NMFS has also considered the effects of these projects on Gulf sturgeon critical habitat in conjunction with the effects associated with the Phase I (no projects in Units 10 or 12) and Phase III (only the scallop enhancement project is located in Units 10 and 12) projects that have previously undergone Section 7 consultations. We conclude there are no additive effects of the projects overall that rise above the level of effects considered for each of the individual projects. The potential impacts to water and sediment quality from construction activities associated with all of these projects are localized and temporary. Similarly, any impacts to prey abundance will be localized, and although some projects may displace some prey species, none are expected to reduce overall prey abundance in the project areas or critical habitat units.

Finally, we concur with your project-effect determinations that the projects for which you requested ESA consultations are not likely to adversely affect Kemp's ridley, loggerhead, or green sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat in Units 10 and 12.

This concludes the NOAA Restoration Center's consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat is designated that may be affected by the identified action.

We've enclosed additional relevant information for your review. We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions about this consultation, please contact Joyce Barkley-Hahn, Consultation Biologist, at (727) 551-5741, or by email at joyce.barkley-hahn@noaa.gov.

Attachments:

1. *Sea Turtle and Smalltooth Sawfish Construction Conditions* (Revised March 23, 2006)
2. *Dock Construction Guidelines over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat* (Revised March, 2008)
3. *Vessel Strike Avoidance Measures* (Revised February, 2008)
4. *PCTS Access and Additional Considerations for ESA Section 7 Consultations* (Revised June 11, 2013)

File: 1514-22.C

Appendix 1 Phase I Early Restoration Plan Projects with corresponding Public Consultation Tracking System (PCTS)

Ref.	PCTS Tracking #	Project	Description	Determinations
P1-1	SER-2012-889	Lake Hermitage Marsh Creation – NRDA Early Restoration Project	Project proposed involves the creation of marsh within the project footprint of the larger Lake Hermitage Marsh Creation Project. The primary goals of the Project are: (1) to restore the eastern Lake Hermitage shoreline to reduce erosion and prevent breaching into the interior marsh, and (2) to re-create marsh in the open water areas south and southeast of Lake Hermitage. The marsh creation project will substitute approximately 104 acres of created brackish marsh for approximately 5-6 acres (7,300 linear feet) of earthen terraces.	Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat. All activities associated with the Lake Hermitage Restoration project are outside the known range of Gulf sturgeon. Sea turtles are not likely to be at the dredge site in the Mississippi River, which is 70 miles from the Gulf of Mexico. Additionally, sea turtles are not likely to be at the marsh restoration site.
P1-2	SER-2012-889	Louisiana Oyster Cultch Project	Project involves (1) the placement of oyster cultch onto approximately 850 acres of public oyster seed grounds throughout coastal Louisiana, and (2) construction of an oyster hatchery facility that will produce supplemental larvae and seed. The project consists of placing oyster cultch material on public oyster seed grounds to produce seed- and sack-sized oysters to compensate the public for impacts to oyster areas exposed to oil, dispersant, and response activities.	Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat.
P1-3	SER-2012-889	Mississippi Oyster Cultch Restoration	Project consists of placing oyster cultch material on public oyster seed grounds in the footprint of existing oyster cultch areas to produce seed- and sack-sized oysters to compensate the public for impacts to oyster areas exposed to oil, dispersant, and response activities.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat.
P1-4	SER-2012-889	Mississippi Artificial Reef Habitat	Project includes the deployment of artificial reefs in bays and nearshore Mississippi Sound waters in and off of Hancock, Harrison, and Jackson Counties, Mississippi	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat.
P1-5	SER-2012-889	Marsh Island (Portersville Bay) Marsh Creation	Project involves the addition 50 acres of salt marsh to the existing 24 acres along Marsh Island in the Portersville Bay portion of Mississippi Sound in south Mobile County, Alabama. This entails the construction of a permeable segmented breakwater, the placement of sediments, and the planting of native marsh vegetation.	Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat.
P1-6	SER-2012-889	Alabama Dune Restoration Cooperative Project	Project will restore 55 acres of dune habitat by installing sand fencing and planting native dune vegetation in Orange Beach and Gulf Shores, Alabama	Project will have no effect on listed species or designated critical habitat under NMFS jurisdiction. NMFS does not believe there will be any direct or indirect effects to our listed species or designated critical habitat, as all activities will occur solely in upland areas.
P1-7	SER-2012-889	Florida Boat Ramp Enhancement and Construction Project	Project will entail repairing the existing Navy Point Park public boat ramp, located in a developed residential area in Pensacola Bay, and constructing the new Mahogany Mill public boat ramp that will be located in a commercial and industrial area in Pensacola Bay	Project is not likely to adversely affect sea turtles, Gulf sturgeon, smalltooth sawfish, or Gulf sturgeon critical habitat. The Navy Point project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 9, Pensacola Bay. The remaining boat ramp projects are not located in designated critical habitat.
P1-8	SER-2012-889	Florida (Pensacola Beach) Dune Restoration	Native dune vegetation will be planted on the primary dune on Pensacola Beach in Escambia County, Florida	This project will have no effect on listed species or designated critical habitat under NMFS jurisdiction. NMFS does not believe there will be any direct or indirect effects to listed species or designated critical habitat, as all activities will occur solely in upland areas.

Appendix 2 Phase III Early Restoration Plan Projects with corresponding Public Consultation Tracking System (PCTS)

Ref.	PCTS Tracking #	Project	Description	Determinations
P3-1	SER-2014-12910	Texas Artificial Reefs Corpus	3 projects are designed to install artificial reefs in Texas coastal waters. They are not located within designated Gulf sturgeon critical habitat (68 FR 13370, March 19, 2003), nor proposed loggerhead sea turtle critical habitat (78 FR 43005, July 18, 2013).	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles).
P3-2	SER-2014-12916	Texas Artificial Reefs Freeport		
P3-3	SER-2014-12920	Texas Artificial Reefs Matagorda		
P3-4	SER-2014-12924	Alabama Oyster Cultch	The applicant proposes to restore and enhance 319 acres of oyster reefs within historic footprint of oyster reefs in Mobile Bay. It is not located within any designated or proposed critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon).
P3-5	SER-2014-12925	Hancock County Living Shorelines	The applicant proposes to reduce shoreline erosion and restore oyster and marsh habitat by (1) use of breakwater materials to reduce shoreline erosion, (2) creation of 46 acres of salt marsh, and (3) enhancement of 46 acres of oyster reef habitat that have historically supported oyster habitat. It is located within designated Gulf sturgeon critical habitat Unit 8, but not within proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles were withdrawn.
P3-6	SER-2014-12926	Swift Tract Living Shorelines	The applicant proposes to reduce shoreline erosion by creating breakwaters (8,500 ft) from natural materials (15,800 tons of riprap and 2,200 yd^3 of bagged oyster shell). Covering 2.9 acres of fine-grained sediment. It is not located within any designated or proposed critical habitats.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon). Leatherback and hawksbill sea turtles were withdrawn.
P3-7	SER-2014-13016	FL Pensacola Bay Living Shorelines	The applicant proposes to reduce shoreline erosion by expanding existing breakwaters at 2 sites (25,000 tons of riprap, covering 5 acres of fine-grained sediment total) and backfilling marsh areas with 102,000 yd^3 of fill, total. It is located within designated Gulf sturgeon critical habitat Unit 9, but not within proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles and smalltooth sawfish were withdrawn.
P3-8	SER-2014-13083	FL Cat Point Living Shorelines	The applicant proposes to reduce shoreline erosion by expanding an existing breakwater structure (up to 0.3 miles) and creating 1 acre of salt marsh habitat. It is located within designated Gulf sturgeon critical habitat Unit 13, but not within proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles and smalltooth sawfish were withdrawn.

P3-9	SER-2014-13017	Beach Enhancement Project at Gulf Island National Seashore	The applicant proposes to remove fragments of asphalt and road-base material from a long, thin area approximately 20 feet (ft) by 2 miles long (211,200 ft^2 or ~4.8 acres) in the inter- and sub-tidal zone within the GUIS. The project is located within Gulf Sturgeon Critical Habitat Unit 11 (68 FR 13370, March 19, 2003) and is approximately 4 miles east of Proposed Loggerhead Critical Habitat Unit LOGG-N-33 (78 FR 43005, July 18, 2013)	The project effect determinations of the proposed action is not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon) or designated or proposed critical habitats for these species.
P3-10	SER-2014-13018	North Breton Island Restoration	The applicant proposes to dredge 3.7 million cubic yards (yd^3) (2.8 x 10^6 cubic meters (m^3)) of sand, silt, and clay materials, using a cutterhead dredge, from 1 or more sites within offshore shoals borrow sites from a water depth range of 6-20 feet (ft) or 1.8-6.1 meters (m) deep mean lower low water (MLLW). The in-water project footprint is 38 square miles (mi^2) or 98.4 square kilometers (km^2); 41.4 mi^2 (or 106.4 km^2) including proposed North Breton Island restoration The project is not located within Gulf sturgeon critical habitat (68 FR 13370, March 19, 2003), nor proposed loggerhead sea turtle critical habitat (78 FR 43005, July 18, 2013).	The project effect determinations of the proposed action is not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon).
P3-11	SER-2014-13026	MS Popp's Ferry Causeway Park	The applicant proposes to install 4 fishing piers and 1 overlook pier, covering approximately 5,000 ft^2 of open water with vibratory hammering. It is not located within any designated or proposed critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon). Leatherback and hawksbill sea turtles were withdrawn.
P3-12	SER-2014-13079	FL Oysters Cultch	The applicant proposes to restore and enhance oyster populations in Pensacola and Apalachicola Bays in FL (total placement of 42,000 yd^3 of cultch material over 210 acres of previous oyster reefs). It is located within designated Gulf sturgeon critical habitat Units 9 and 13. It is not located in proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon) or Gulf sturgeon designated critical habitat.
P3-13	SER-2014-13080	FL Scallop Enhancement	The applicant proposes to restore and enhance scallop production by the placement of scallop spat into FL coastal waters. It is located within designated Gulf sturgeon critical habitat Units 9, 10, 12, and 13. It is not located in proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) and no effect on Gulf sturgeon designated critical habitat.
P3-14	SER-2014-13081	FL Artificial Reef	The applicant proposes to build and deploy artificial reefs offshore in Florida coastal waters in 5 Florida counties (Escambia, Santa Rosa, Okaloosa, Walton, and Bay Counties). The project spans 123 miles (107 nautical miles [NM] or 198 kilometers [km]) along the coast of Florida in the nearshore as well as the offshore zone. Some project sites are located within Gulf sturgeon critical habitat Unit 11, although there are no sites in loggerhead sea turtle critical habitat.	The project effects determination of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles) and are not likely to adversely affect Gulf sturgeon critical habitat Unit 11.
P3-15	SER-2014-13077	FL Gulf Coast Marine Fisheries Hatchery/Enhancement Center	The applicant proposes to construct and operate a saltwater sportfish hatchery, on a 10-acre vacant lot, to enhance recreational fishing opportunities through aquaculture, in Pensacola Bay, Escambia County, Florida.	The project effects determination of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles) and are not likely to adversely affect Gulf sturgeon critical habitat Unit 9.
P3-16	SER-2014-13124	FL Big Lagoon State Park Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 9.

P3-17	SER-2014-13131	FL Gulf Breeze Wayside Park Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 9.
P3-18	SER-2014-13127	Franklin County Waterfront Park Improvements	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 13.
P3-19	SER-2014-13135	FL Enhancement of Franklin County Parks and Boat Ramps: Indian Creek Park	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-20	SER-2014-13119	FL Port St. Joe Frank Pate Boat Ramp Improvements	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-21	SER-2014-13140	FL Walton County Lafayette Creek Boat Dock Improvements	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-22	SER-2014-13277	Panama City St. Andrews Marina Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-23	SER-2014-13272	Parker Earl Gilbert Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-24	SER-2014-13085	FL Wakulla County Marshes Sand Park Improvements	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.
P3-25	SER-2014-13278	City of St. Marks Boat Ramp	The applicant proposes to renovate existing boat ramps and/or adjacent boat docks in Florida coastal waters.	Project is not likely to adversely affect sea turtles or Gulf sturgeon.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.

c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.

d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.

e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.

f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.

g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006
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