UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
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JUL 30 2014

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SER-2014-13086

MEMORANDUM FOR: F/HC3 – Leslie Craig

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

SUBJECT: DWH-ERP, Florida Department of Environmental Protection, Norriego Point Restoration and Recreation Project, Norriego Point, Destin, Okaloosa County, Florida

This memorandum responds to the National Oceanic and Atmospheric Administration (NOAA) Restoration Center's letter of February 4, 2014, and enclosed biological assessment (BA) requesting National Marine Fisheries Service (NMFS) concurrence under Section 7 of the Endangered Species Act (ESA) with the project-effects determinations for stabilizing the shoreline and enhancing recreational activities on Norriego Point. Your February 4 letter determined that sea turtles, smalltooth sawfish, Gulf sturgeon, and Gulf sturgeon critical habitat would not be adversely affected. Your enclosed BA dated January 30, 2014, determined that the proposed activities are not likely to adversely affect loggerhead, green, Kemp's ridley, leatherback, and hawksbill sea turtles and Gulf sturgeon, and would not adversely modify Gulf sturgeon critical habitat in Unit 12, but did not mention smalltooth sawfish. NMFS requested additional information via email on February 4, 2014. We received the response on April 4, 2014, and we initiated consultation that day. NMFS's findings on the project's potential effects are based on the project description in this response; thus, any changes to the proposed action 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 27 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 12 consultations on 27 individual projects out of a total of 35 projects included in Phase III (See Appendix 2). These projects are 4 artificial reef projects (3 in Texas and 1 in Florida), 2 oysters 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, 2 observation/canoe

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

launch docks in Florida, 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 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.

Thirteen of the Phase III projects (3 living shoreline projects, 1 Florida artificial reef project, 1 Florida fish hatchery, 3 boat ramp projects, 1 beach enhancement project, 1 Florida oyster reef project, 1 scallop enhancement project, and the 2 observation/canoe launch docks) are located in Gulf sturgeon critical habitat. The living shoreline projects are located in Units 8, 9, and 13. The Florida artificial reef project is located in Unit 11. 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 observation/canoe launch dock projects are in Units 10 and 12. 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 and dock 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 Project

This project is part of the Phase III ERP and is located at 30.39284°N, 86.51239°W (North American Datum 1983), on Norriego Point in Okaloosa County, in the inlet of East Pass to Choctawhatchee Bay (Figure 1). The objective of the proposed project is to enhance and increase the public's enjoyment of the natural resources by stabilizing ongoing erosion and re-establishing Norriego Point through the use of erosion control structures (groins) and placement of dredged sand fill. The City of Destin already has an active permit for this dredging activity from the United States Army Corps of Engineers (Permit No. SAJ-2012-00702 [SP-TPH]).

The project objectives are to (1) repair the 3 existing erosion control structures and construct 2 new erosion control structures to expand the protected area to include the eastern portion of Norriego Point (Figure 2), (2) construct a picnic pavilion with restrooms, showers, and drinking fountains, (3) construct educational signage and a multi-use trail, (4) construct bike racks, and (5) add vehicle parking areas along the access road. Sand fill material will be placed behind the renovated and new erosion control structures; the source of the fill material will be dredged material obtained during maintenance dredging of the navigation channels in the area. The 3 currently existing groins placed along the southern side of Norriego Point are approximately 200 linear feet (lin ft), 500 lin ft, and 500 lin ft, respectively. These existing groins will be excavated and reconstructed with the old material being reused and reinforced with 1,200 lin ft of new sheet pilings and armoring rock.

Sheetpiles (approximately 1,000 lin ft [500 lin ft per groin]) will be installed as part of the erosion control structures. It may be installed to within 2 feet of the required elevation by jetting methods; the final 2 feet will be driven without the use of jetting, using a vibratory hammer instead. Sheetpiles will be made of rolled steel coated with a protective tar and covered with a concrete cap. Marine mattresses, constructed of geogrid materials and filled with material dredged from the site, will be placed around the piles. Stone fill will be placed on top of the marine mattress and armor stone will be placed over this foundation to create a structure approximately 4 ft above North American Vertical Datum at the highest point. Dredged sand fill material, obtained during maintenance dredging of the navigation channels in the area, will be used to fill behind the groins.

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

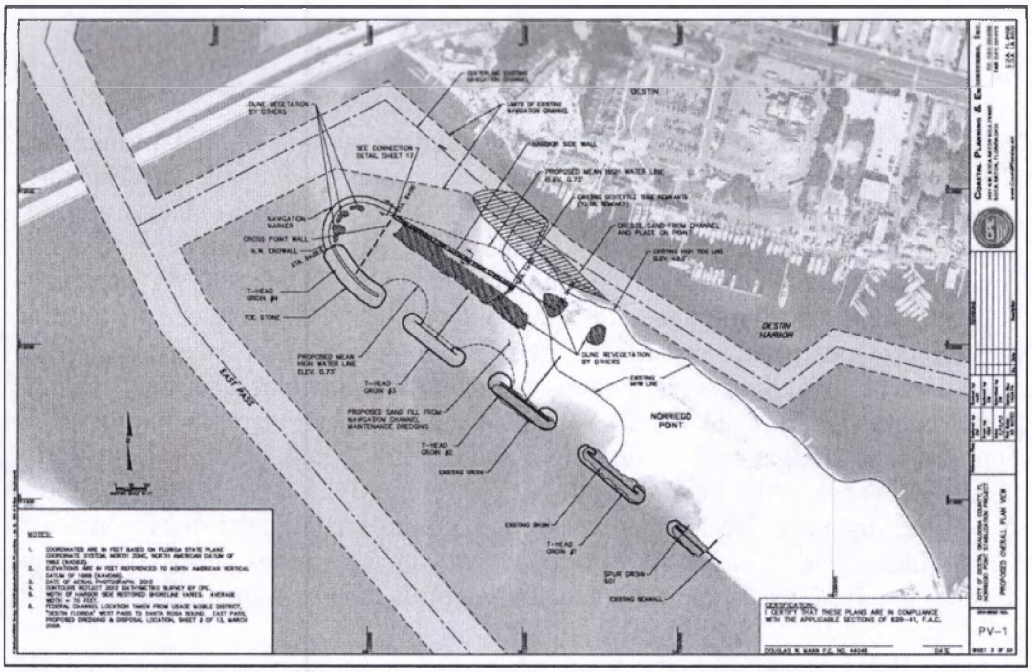

Figure 2. Location of existing and proposed groins

A range of heavy construction equipment and tools will be required for construction of this project. Equipment will include bulldozers, graders, backhoes, bobcats, and so on. Dredging

equipment will be required to remove material and create new land areas to support groin structures. The specific equipment used will vary with the different phases of the project. Construction is anticipated to take approximately 9-12 months for both in-water and upland work.
Standard construction methods will be used for all aspects of the project. All permits and best management practices will be followed to minimize any adverse effects of the construction, including NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions, dated March 23, 2006.

We believe that 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 area and may be affected by the project. The project is located within designated critical habitat for Gulf sturgeon. We believe leatherback and hawksbill sea turtles, and smalltooth sawfish will not be present. These turtles' very specific foraging and life history requirements are not met in or near the action areas: leatherbacks are deepwater, pelagic species and hawksbills are associated with coral reefs. Smalltooth 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. Therefore, we do not expect any effects to leatherback and hawksbill sea turtles and smalltooth sawfish from the proposed action.

NMFS has identified the following potential effects to sea turtles and Gulf sturgeon and Gulf sturgeon critical habitat and concluded the species and critical habitat are not likely to be adversely affected by the proposed action because all effects are insignificant or discountable, as described below.

Species Analysis

1. Effects to sea turtles and Gulf sturgeon include the risks of being injured during dredging. Project dredging will be conducted with a cutterhead dredge, mechanical (clamshell-type) dredge, or small hopper dredge. NMFS believes the chance of injury or death from interactions with hydraulic cutterhead dredging equipment is discountable as these species are highly mobile, able to detect these noisy, stationary-or-slow-moving dredge types, and are likely to avoid the areas during construction. NMFS has previously and consistently determined in numerous informal consultations regional biological opinions and over the last two decades that small hopper dredges (see footnote 4 below) and non-hopper-type dredges, including mechanical-type dredges such as cutterhead and clamshell dredges, are not likely to adversely affect sea turtles or smalltooth sawfish, primarily because they are noisy, slow moving, and only affect very small areas at a time, enabling the species to detect and avoid them. NMFS has no new evidence that would invalidate those conclusions. NMFS has received just 1 report of a healthy sea turtle take by clamshell dredge in

[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] SER-1997-1316. Operation of sidecast dredges Fry, Merritt, and Schweizer, and the split-hull hopper dredge Currituck, Drum Inlet, Carteret County, NC. NMFS Protected Resources Division, informal ESA consultation concluded March 9, 1999, with USACE's Wilmington District).

the Southeast over the past 20+ years. In the southeastern United States, there has not been a reported take of a Gulf sturgeon in a cutterhead or mechanical dredge (E. Hawk, NMFS, pers.comm. to J. Barkley-Hahn, NMFS, May 23, 2014). Stranding data suggest that incapacitated cold-stunned turtles may be taken by cutterhead dredges while they are lethargic or dying, although this possibility is rare and discountable (to further reduce this risk, NMFS has recommended that cutterhead dredging be done in warmer months and that in shallow, estuarine areas [such as the Laguna Madre, Texas] where cold stunning has historically occurred, it be delayed until after the cold front passes). Thus, NMFS believes the likelihood of a sea turtle or Gulf sturgeon being taken by a cutterhead dredge, clamshell dredge, or small hopper dredge during the proposed action is discountable. Implementation of NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions* will provide further reduce the risk, as it requires work to stop if a listed species is observed within 50 feet of operating machinery.

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 and related noise. These effects will be temporary and insignificant. Due to the shallow water depths, the project area provides 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.[5] There is ample available foraging and refuge habitat for Gulf sturgeon outside of, but adjacent to, the site just offshore where the depths provide more suitable habitat to Gulf sturgeon.

3. 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 area; 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)[6] on impact pile driving threshold noise levels for fish, we believe that the risk of noise-induced injury from the jetting and vibratory hammering of sheet 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 thresholds are used as conservative interim criteria. Pile-driving noise may elicit a behavioral response in both sea turtles and Gulf sturgeon, though given the project site features and the short duration of pile installation, we believe these effects will be insignificant.

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[5] 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.

[6] 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.

4. Dredging equipment noise can have acoustic impacts to nearby sea turtles and sturgeon. The peak sound pressure at the source from maintenance dredging with a hydraulic cutterhead fracturing rock is approximately 175 dB underwater.[7] However, given that the sediments to be dredged in this project will be comprised primarily of fine sand and not rock, the anticipated peak noise for this activity will be in the 100 to 110 dB range.[8] A noise impact from this dredging method is below the 206 dB threshold for physical injury and the thresholds for behavioral effects, which are 150 dB for fish and 160 dB for sea turtles.[9] Therefore, we believe that acoustic impacts to sea turtles or Gulf sturgeon resulting from dredging will be insignificant.

NMFS has also considered the effects of this project 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 overall projects 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.

Critical Habitat Analysis

The essential features for the conservation of Gulf sturgeon present in Unit 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, water quality, and sediment quality may be affected.

1. The prey abundance essential feature may be affected by burial or excavation of Gulf sturgeon foraging sites during dredging and filling behind the groins. However, as previously noted, Gulf sturgeon do not commonly feed in depths shallower than 6 feet. Thus the temporary loss of prey species within the project area will not appreciably decrease the prey available to Gulf sturgeon, as there are abundant, similar, nearby foraging habitats. Any decrease in numbers of these prey species would be minimal in relation to their numbers across the entire critical habitat units or nearby areas and prey species can quickly recolonize the project areas after construction. Effects to the prey abundance essential feature of critical habitat will therefore be insignificant.

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

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[7] Reine, K.J., Clarke, D.G., and Dickerson, C. 2012. Characterization of Underwater Sounds Produced by a Hydraulic Cutterhead Dredge Fracturing Limestone Rock. DOER-E34, U.S. Army Engineer Research and Development Center, Vicksburg, MS.
[8] Clarke, D., Dickerson, C., and Reine, K. 2003. Characterization of Underwater Sounds Produced by Dredges. Dredging '02: pp. 1-14.
[9] 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.

3. We do not expect any adverse changes to the sediment quality from the proposed dredging, as the composition of the dredged materials to be replaced (placed behind groins) in critical habitat are from the same approximate area in critical habitat, and therefore are expected to be similar or identical to those that are currently present

NMFS has also considered the effects of this project on Gulf sturgeon critical habitat in conjunction with the effects associated with the Phase I (no projects in Unit 12) and Phase III (the scallop enhancement project and the observation dock project are located in Unit 12) projects that have previously undergone Section 7 consultations. We conclude there are no additive effects of the overall projects 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 area or critical habitat unit.

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 Unit 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. *Vessel Strike Avoidance Measures* (Revised February, 2008)
3. *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)

Reference	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.
P3-26	SER-2014-13270	FL Bayside Ranchettes Park Improvements	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.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 12.
P3-27	SER-2014-13275	FL Navarre Beach Park Coastal Access and Dune Restoration	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.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat Unit 10.

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.

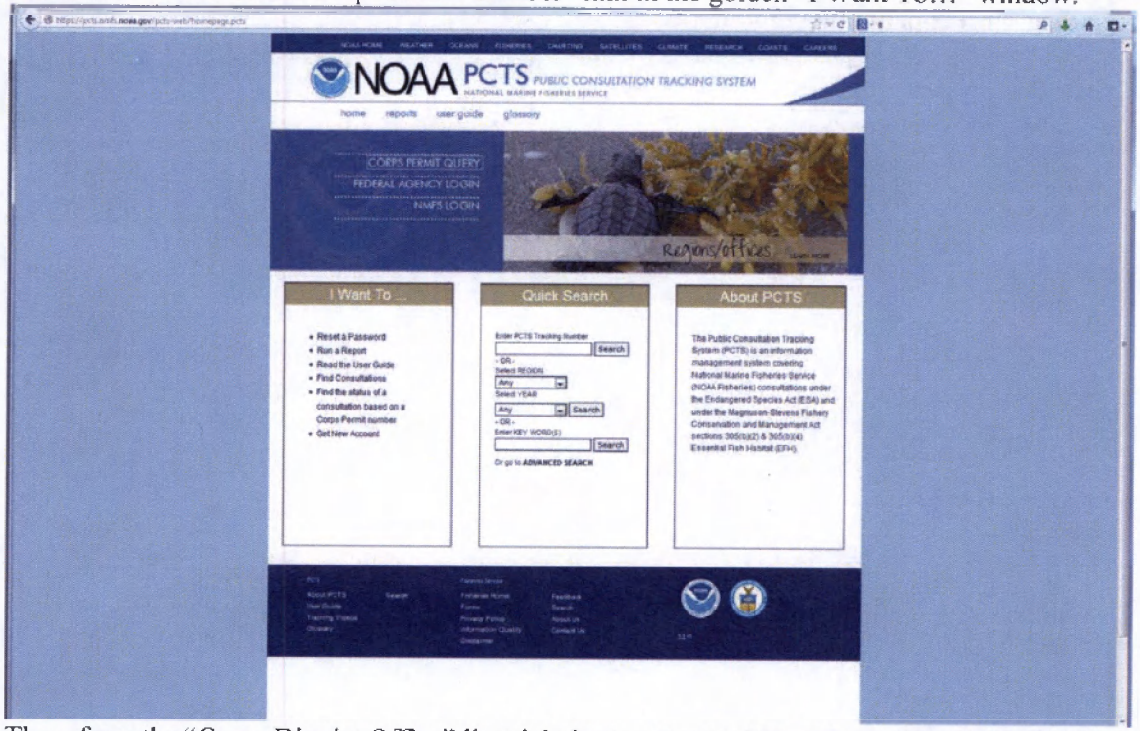
g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

PCTS Access and Additional Considerations for ESA Section 7 Consultations
(Revised 6-11-2013)

Public Consultation Tracking System (PCTS) Guidance: PCTS is a Web-based query system at **https://pcts.nmfs.noaa.gov/** that allows all federal agencies (e.g., U.S. Army Corps of Engineers - USACE), project managers, permit applicants, consultants, and the general public to find the current status of NMFS's Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations which are being conducted (or have been completed) pursuant to ESA Section 7 and the Magnuson-Stevens Fishery Conservation and Management Act's (MSA) Sections 305(b)2 and 305(b)(4). Basic information including access to documents is available to all.

The PCTS Home Page is shown below. For USACE-permitted projects, the easiest and quickest way to look up a project's status, or review completed ESA/EFH consultations, is to click on either the "Corps Permit Query" link (top left); or, below it, click the "Find the status of a consultation based on the Corps Permit number" link in the golden "I Want To…" window.



Then, from the "Corps District Office" list pick the appropriate USACE district. In the "Corps Permit #" box, type in the 9-digit USACE permit number identifier, with no hyphens or letters. Simply enter the year and the permit number, joined together, using preceding zeros if necessary after the year to obtain the necessary 9-digit (no more, no less) number. For example, the USACE Jacksonville District's issued permit number SAJ-2013-0235 (LP-CMW) must be typed in as 201300235 for PCTS to run a proper search and provide complete and accurate results. For querying permit applications submitted for ESA/EFH consultation by other USACE districts, the procedure is the same. For example, an inquiry on Mobile District's permit MVN201301412 is entered as 201301412 after selecting the Mobile District from the "Corps District Office" list. PCTS questions should be directed to Eric Hawk at Eric.Hawk@noaa.gov or (727) 551-5773.

EFH Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division pursuant to Section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the MSA requirements for EFH consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Marine Mammal Protection Act (MMPA) Recommendations: The ESA Section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur an incidental take authorization under MMPA Section 101 (a)(5) is necessary. Please contact NMFS' Permits, Conservation, and Education Division at (301) 713-2322 for more information regarding MMPA permitting procedures.