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F/SER31:RGH

MAR 22 2012

Ms. Joan M. Exnicios
Chief, New Orleans Environmental Branch
New Orleans District Corps of Engineers
Regional Planning and Environmental Division South
P.O. Box 60267
New Orleans, Louisiana 70160-0267

Re: Louisiana Coastal Area beach and marsh restoration projects

Dear Ms. Exnicios:

This responds to your letter dated February 10, 2011, requesting Section 7 consultation pursuant to the Endangered Species Act (ESA) for the following Army Corps of Engineers' (COE) Louisiana Coastal Area (LCA) projects in the Gulf of Mexico (Gulf) off Louisana: Barataria Basin Barrier Shoreline Restoration; Terrebonne Basin Barrier Shoreline Restoration; Point Au Fer Island Restoration; and Caillou Lake Land Bridge Restoration. You requested that the four projects be reviewed concurrently, as they were authorized under the same Congressional authority "and impacts to ESA-listed species under the National Marine Fisheries Service's (NMFS) purview will be analogous." The biological assessments (BA) provided on each of these projects evaluate the COE's proposal to dredge material from selected borrow areas and place fill material on state water bottoms, marsh, and beach areas in an effort to restore beach and dune communities as recommended in the National Ecosystem Restoration Plan (NER) of the LCA. You requested our concurrence with your determination that the projects "wouldn't singularly nor cumulatively adversely affect five species of sea turtle populations (Kemp's ridley, green, hawksbill, loggerhead, and leatherback)." NMFS requested additional information between April 1, 2011 and January 3, 2012; responses were received between April 13, 2011, and January 19, 2012. Our findings on the effects of the proposed action are based on the project descriptions in this and all related consultation documents; thus, any changes to the proposed action may negate these findings and may require reinitiation of consultation with NMFS.

Description of the Proposed Action
Per the projects BA's, the LCA projects are described below:

1) Barataria Basin Barrier Shoreline Restoration (BBBS)
The BBBS project is located on the Gulf near Port Fourchon in Jefferson Parish and consists of two separate areas, Caminada Headland and Shell Island (Figure 1).

Caminada Headland Tentatively Selected Plan (TSP) Initial Construction
According to the COE, about 880 acres of beach/dune and 1,186 acres of marsh will be created, resulting in 2,066 acres of new habitat. Fill quantities for the dune and marsh fills are 5.1 million and 5.4 million cubic yards (cy), respectively. For the dune area, material from Ship Shoal will be pumped from two hopper dredges to the beach.[1]

[1]Federal sand mining from Ship Shoal is evaluated in an existing NMFS biological opinion: *Hopper and Hydraulic Cutterhead Dredging Associated with Sand Mining for Coastal Restoration Projects Along the Coast of Louisiana Using Sand from Ship Shoal in the Gulf of Mexico Central Planning Area, South Pelto Blocks 12, 13, and 19, and Ship Shoal Block 88* (Consultation No. F/SER/2003/01247).

The material will then be worked on the beach by bulldozers and front-end loaders. Points of direct access to the project area are Highway 3090 and a beach road at Elmer's Island on the eastern end. For the marsh area, the material will be pumped from the offshore borrow site south of Bayou Moreau using a cutterhead dredge. The dune will serve as the southern dike for the marsh fill. Additional dikes will be built around the remaining edge. These operations will be completed in a manner that will minimize turbidity of the water at the dredge site and the discharge site. Methods to reduce sediment dispersion in open water areas resulting from construction activities may include silt/turbidity screens or other devices. It is estimated that construction will last 2.5 years (939 days).

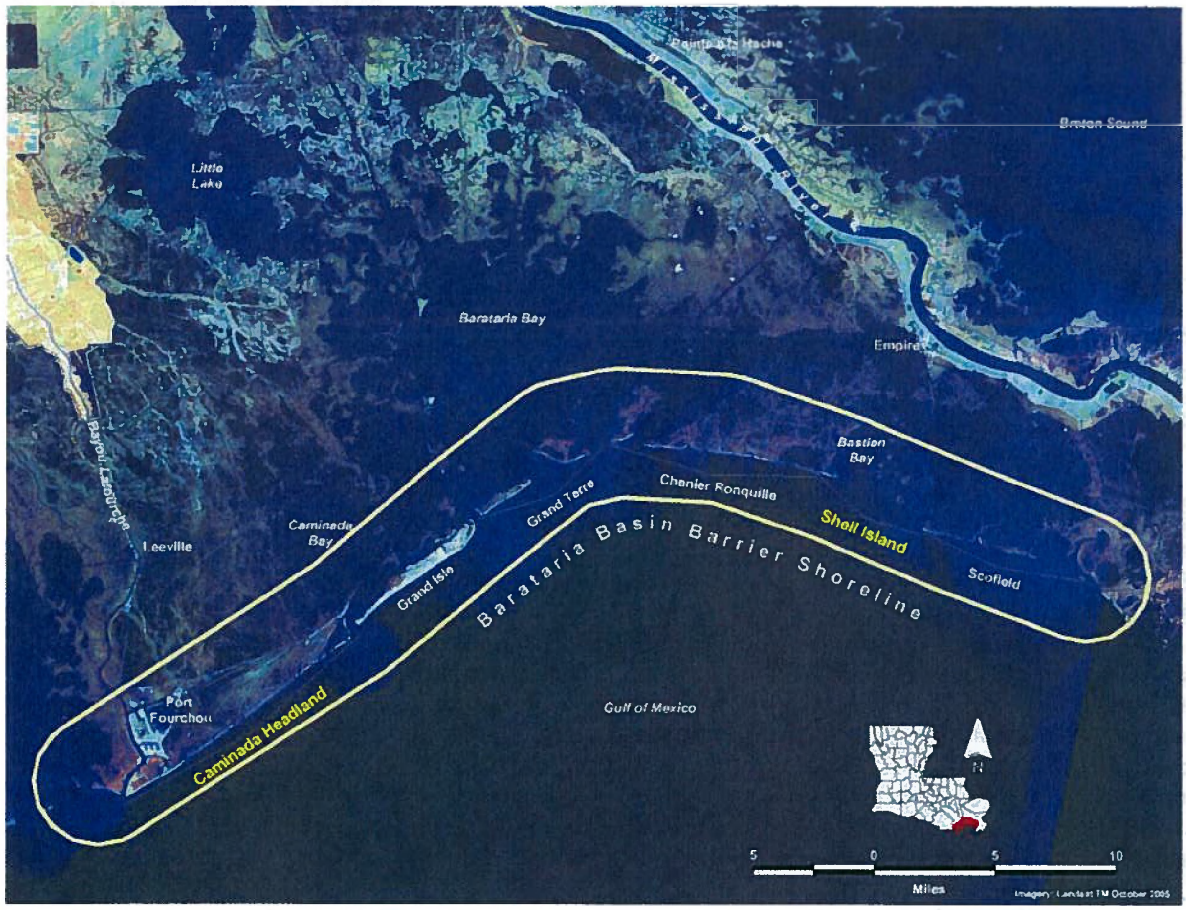

Figure 1 – Barataria Basin Barrier Shoreline

About 71,500 linear ft of sand fencing will be installed. On Caminada Headland near Highway 3090, the fences will be combined with walkways to promote dune stabilization and reduce environmental damage to the newly built dunes, and a parking lot will be built to provide beachgoers with a safe alternative to beach parking. Walkways will be built from the parking lot to the beach. The maintenance estimate for sand fencing includes complete replacement in year 5 with 20 percent replacement every 5 years until the end of the 50 year period of analysis. Vegetative plantings will include a variety of native species, to be installed over an estimated duration of 750 days over a 3-year period.

The borrow area identified for the beach/dune restoration is Ship Shoal, a large submerged sand body in the Gulf located offshore of south-central Louisiana. The shoal is about 31 miles long and 7 miles wide, lying in water depths of 9-30 ft. Preliminary studies have shown it is the remaining seaward shoal from one of the older, abandoned Mississippi River deltas. It is composed of well-graded quartz sand and is suitable for use in restoring Caminada Headland since its grain size is similar to the sand found on the headland. The sediment will come from South Pelto, Blocks 12 and 13, about 40 miles from the project site. The borrow site for the marsh restoration is located about 1.5 miles south of the central portion of Caminada Headland, and 4.7 miles southwest

of Caminada Pass (Figure 2). The applicant has agreed to implement NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* to reduce the risk of injury to sea turtles.

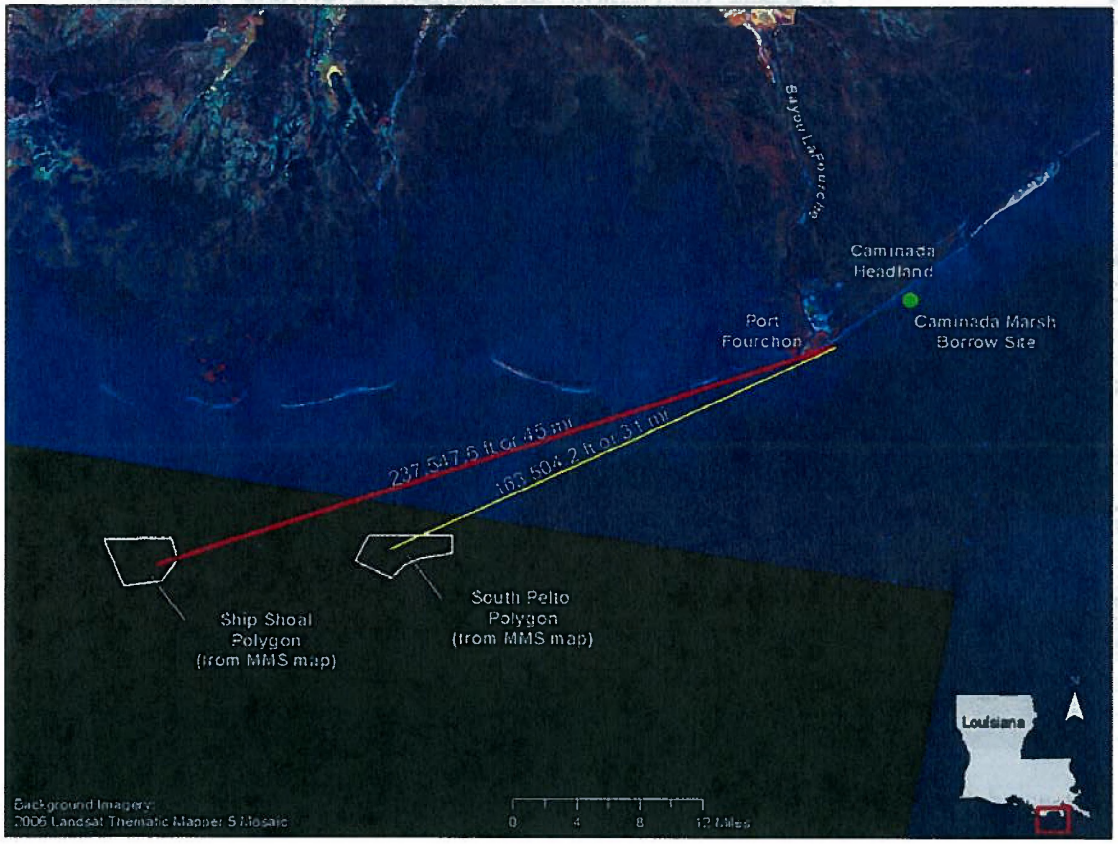

Figure 2 – Borrow Sources for Caminada Headland

Caminada Headland Back Barrier Marsh Construction

Based on previous marsh construction along the Gulf shoreline, the contractor will likely use a hydraulic dredge with direct pumping for digging material from the designated offshore marsh borrow site. The back-barrier marsh component requires dredging and filling operations to place material for construction of a marsh platform. The dune will serve as the southern dike for the marsh fill, with a system of additional dikes to be built around the remaining edge for containment of hydraulic fill with sediment suitable for the marsh system. These operations will be done in a manner that will minimize turbidity of the water at each dredge site and at the discharge sites from the marsh fills. Methods to reduce sediment dispersion in open water areas resulting from construction activities may include silt/turbidity screens or other devices. Discharge and dewatering from the fill sites shall be directed towards the Gulf. To achieve gulfside discharge, the contractor will orient discharge pipes such that the hydraulic flows move in a gulfward direction, or build the north side dike first, creating a drainage gradient towards the gulf. No discharge will be allowed to the north of the project area. If excess (over 25 nephelometric turbidity units [NTU]) turbidity occurs, the contractor will be directed to change the operating procedure to reduce the degree of turbidity. The back-barrier marsh component of Caminada Headland is bounded to the north by the BP Canal and to the south by the Gulf shoreline. The marsh is relatively constant in elevation with the exception of areas altered by oil and gas canals and some open-water areas characterized as tidal bayous, creeks, and ponds. As stated above, this construction is estimated to take 2.5 years (939 days).

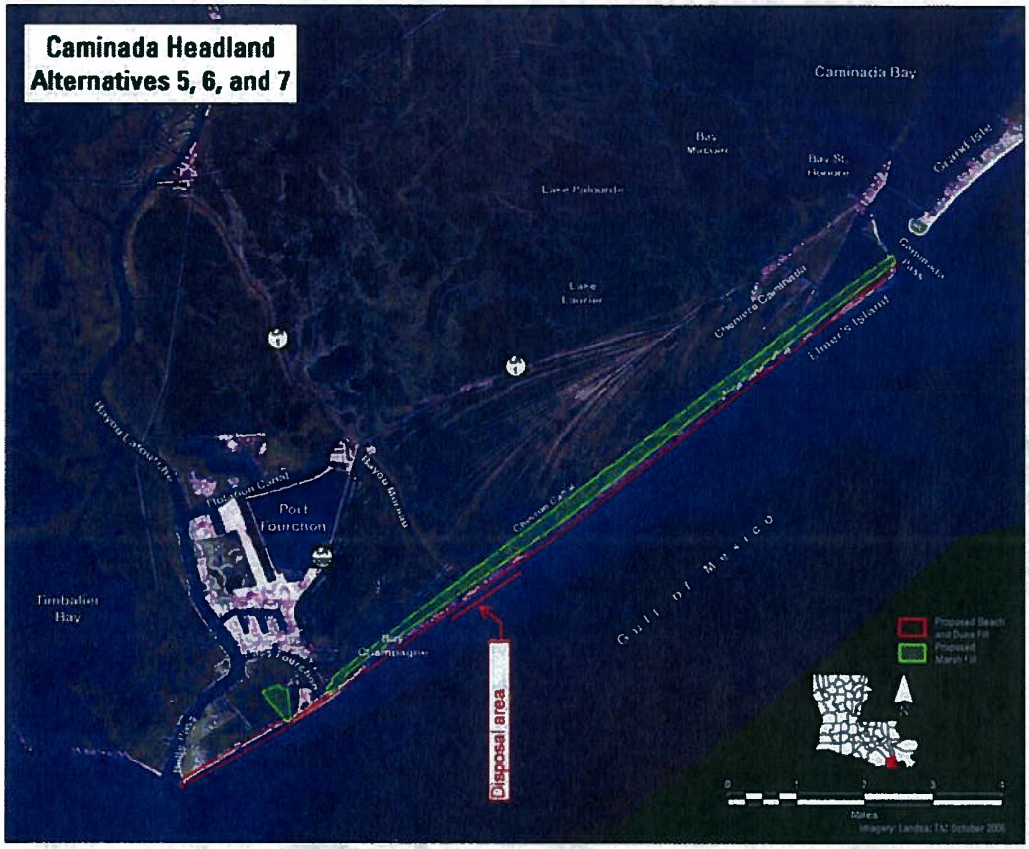

Figure 3 – Proposed Action and Nourishment Nodal Point

Caminada Headland Renourishment

The COE plans on creating feeder beaches, which are described as finite-length berms placed along a beach, usually at the updrift end of a littoral cell that has strong unidirectional shore-parallel transport. They can also be placed at a nodal "hot spot," where shore-parallel transport divides, thus moving sediment in both directions away from the node. This concept involves placing a large volume of sediment in a limited area and relying on littoral processes to move it down the beach, thus gradually renourishing the beach at a distance from the placement site. The feeder beach concept has been expanded to include subsurface placement of sediment to create a "feeder bar," which relies on coastal processes to move the sediment onto the beach face naturally. In addition, wave action carries fine sediment onto the beach face and deposits it where wind will move it up the beach and onto the dune, nourishing the system. After review of the sediment budget prepared for Caminada Headland, the loss of sediment from the headland—which is derived from the total Gulf shoreline erosion loss minus the total overwash accumulation—is estimated to be 379,000 cy per year. By designing a feeder berm which beneficially uses the material removed during maintenance dredging of the bar channel of the Bayou Lafourche (Belle Pass) navigation project at the nodal point (Figure 3), this project will be able to sustainably maintain Caminada Headland over the period of analysis. Dredging of the pass yields on average about 650,000 gross cy of material every 1.5-2 years. This material will be placed in the littoral drift south of Bayou Moreau where the sediment budget indicates that the longshore transport of material splits going east and west. The material will be placed unconfined between 100-300 ft from the mean high water (MHW) mark, allowing the longshore transport and wave action to move and place the sediment along the headland. The material will be pumped offshore of the nodal point, directly impacting about 67 acres.

Caminada Headland has a very dynamic, high-energy, wave environment. Material will be stacked no higher than + 7 ft mean Gulf level (MGL), but will be quickly reworked by wind and waves. The pipe will be placed

offshore. Pumping the material will take about 54 days; placing and removing pipeline, about 98 days. Material will come from maintenance dredging of Bayou Lafourche channel; approximately 124.2 acres will be directly impacted. Over each 10-year period, an estimated 3.9 million cy of material from 6 dredging cycles (650,000 cy per cycle) will be returned to the headland in perpetuity of the project by the State of Louisiana. Unless the shoreline is in danger of breaching, renourishment timing will be dependent upon the maintenance dredging requirements of the Bayou Lafourche navigation project. Historically, maintenance dredging has begun as early as March and ended as late as November.

The construction design for Caminada Headland results in a dune crest of 290 ft and a beach and berm that is 160 ft wide from the water (0 ft North American Vertical Datum of 1988 [NAVD 88]) to the base of the dunes. The long-term erosion rate of the shoreline is 45 ft per year. Material will be placed at the nodal zone for headland-wide erosion. Should the shoreline breach or a particular area of the shoreline be in danger of breaching, sediment will be placed near the breach to supplement the existing sediment. Additionally, should particular sections of headland lose elevation, material will be placed offshore of that location. The target will be to maintain dunes to the existing conditions (elevation of +4.5 ft NAVD 88) and the marsh to an elevation between +1.0 to +2.0 ft NAVD 88.

Shell Island Construction Methods

Project construction will require the hydraulic placement of both beach and marsh fill within the project area. Construction will require heavy machinery to manage the pipeline and construct containment dikes. A landing craft, or a barge and crane, could be used to deploy equipment, or the contractor may elect to construct a dock.

The bayward side of the beach fill will act as a dike to control fill on the south (gulfward) side of the marsh. Dike construction on the bayward side of the marsh will require the use of a barge-mounted bucket or similar equipment. Material used to construct the dikes will be taken from within the footprint of the marsh fill. The dredged ditch will also act as a temporary access canal for the barge. The contractor may elect to construct a geotextile tube in the 9,000-foot-long section of Coupe Bob, instead of transporting silt/clay for dike construction. The tube could be filled using material from the sand base but within the marsh footprint. The method of marsh fill containment will be left to the discretion of the contractor. Digging for dike construction will not be permitted within 50 ft of any pipelines. The location of secondary dikes or water control structures will be at the discretion of the contractor.

Attempting to close Coupe Bob by placing sand in the inlet will increase tidal velocities in the constricted channel, which will increase erosion at the fill ends bordering the channel. Possible methods for closing Coupe Bob include, but are not limited to, stockpiling material at the sides of the inlet and then bulldozing it into the gap, bringing a second dredge to the site to increase production rates, sinking barges in the gap and later refloating/removing them once the beach fill is in place behind or in front of the barge, and driving temporary sheet piling over a short section of the gap.

The borrow source for the dune/beach is a large sand deposit near Nairn in the Mississippi River between mile markers 32 and 34, about 11 miles north of the project area (Figure 4). The borrow site is in a river meander where greater sediment thickness is anticipated due to the presence of relict (vertically stacked) sand bars. Dredged material will be pumped via pipeline from the Mississippi River. The 11-mile pipeline corridor will cross the Mississippi River levee and two highways, traversing property owned by Plaquemines Parish. The pipeline will then be submerged, first crossing and then following the western right of way of the Empire Waterway which terminates at the eastern end of Shell Island. Pumps will move the material from the river to the project area. The borrow source for the marsh restoration is the Empire deposit, about 1.5 miles from the Empire jetties. Borrow area water depths are 16-20 ft. Material will be pumped via cutterhead dredge and pipeline from

the borrow source to the project area.

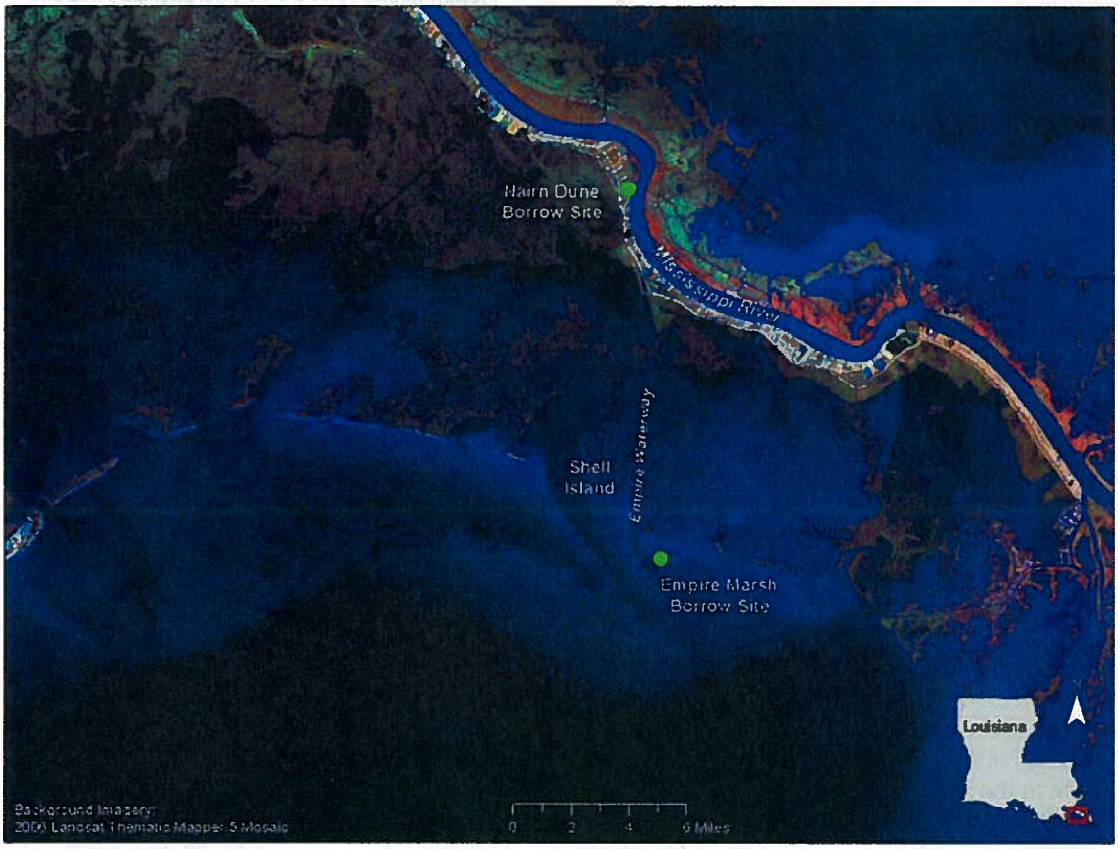

Figure 4 – Shell Island Borrow Sites

The marsh component will require 44-58 days of pumping to construct. Construction can occur concurrently with beach fill construction but it was assumed that half the marsh will be built after completion of beach fill. A mobilization time of 2 months is expected to allow the contractor to gather and lay out sufficient pipe to transport material from the Mississippi River to Shell Island. Demobilization will take about 1 month. The total project will take 22-35 months total to construct.

Shell Island will be re-nourished to the original template after 20 years and 40 years, as will marsh fill. About 1.5 million cy of beach fill will be required for re-nourishment cycles in years 20 and 40. In year 20, about 907,200 cy of marsh fill will be required and in year 40, about 604,700 cy will be required.

2) Terrebonne Basin Barrier Shoreline Restoration (TBBS)

The TBBS project is located on the Gulf within the Isles Dernieres barrier island chain. The reach represents a barrier island arc about 22 miles long in Terrebonne Parish and extends from Caillou Bay east to Cat Island Pass. Raccoon Island, Whiskey Island, Trinity Island, East Island, and Wine Island, are the primary islands that comprise the Isles Dernieres barrier island chain, are backed by Bay Blanc, Bay Round, Caillou Bay, and Terrebonne Bay, and are bordered by the Gulf on the seaward side. In the original NER design, Whiskey Plan C, Trinity Plan C, Raccoon Plan E with Terminal Groin, and Timbalier Plan E were all included in the project; however, the NER plan cannot be built under the current Water Resources Development Act (WRDA) 2007 authorization. Therefore, a subset of the NER plan is recommended as the TSP. The TSP for TBBS is Whiskey Plan C (Whiskey Island is one of the four islands in the NER plan). The plan proposes a dune height of +6.4 ft NAVD 88 with a dune crown width of 100 ft. The dune elevation takes into account that there will be about 0.4 ft

of vertical adjustments (eustatic[2] sea level rise, subsidence, and compaction) occurring during the first six months after construction. Following the 6-month period, the dune should reach the design elevation of 6 ft NAVD 88. The slopes of the beach and dune are set at 60:1 and 30:1 (horizontal to vertical), respectively. Marsh fill is proposed on the landward side of the dune at an elevation of +2.4 ft NAVD 88. Although the design elevation for the marsh is 1.6 ft NAVD 88, the marsh will be built at a higher elevation to account for initial vertical adjustments.

The plan will use beach/dune material from the Ship Shoal borrow area and marsh material from Whiskey 3A borrow area. Fill quantities for the initial construction of the dune/beach and marsh components of Whiskey Plan C are 8.3 million cy and 0.6 million cy, respectively. Dune area material will be pumped from the dredge to the beach, then re-worked on the beach by bulldozers and front-end loaders. For the marsh area, material will be pumped from the offshore borrow site. Containment dikes will be built around the edge. Sediment for the containment dikes will be dredged from existing material inside the marsh creation area. These operations will be completed in a manner to minimize turbidity at the dredge and discharge sites. Methods to reduce sediment dispersion in open water areas resulting from construction activities may include silt/turbidity screens or other devices. Figure 5 presents the plan view of Whiskey Plan C.

About 18,075 ft of sand fencing will be installed to promote deposition of windblown sand, create dune features, reduce trampling of existing dunes by beach visitors, and protect vegetative plantings, which will include a variety of native species. Recommended planting density is no greater than 8-ft centers.

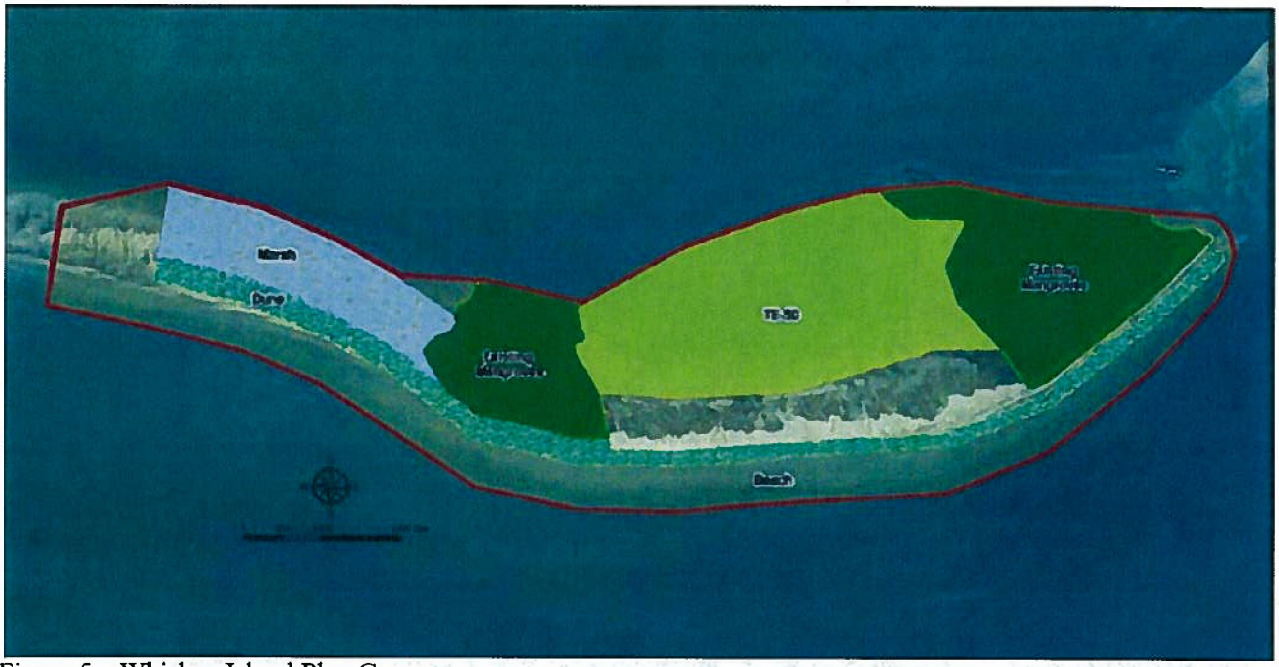

Figure 5 – Whiskey Island Plan C

Beach and Dune Fill

The contractor will likely use a hydraulic cutterhead dredge to dig sand from the available sand borrow areas (Figure 6). The sand will then be pumped through a series of booster pumps to the beach/dune fill template via a submerged sediment pipeline. During construction the contractor will be directed to maintain dedicated equipment loading/unloading areas, staging areas, and access corridors so as to minimize impacts to the island. Existing mangrove habitats and prior restoration project areas shall be avoided. Once on the beach, the sediment pipeline will run parallel to the shoreline. Front-end loaders equipped with grapple arms will be used to place and

[2] Eustatic change (as opposed to local change) results in an alteration to the global sea levels due to changes in either the volume of water in the world oceans or net changes in the volume of the ocean basins.

relocate the pipeline. For segments of the fill template that have sufficient width, a Y-valve will be used to enable placing multiple sediment pipelines along the template. The bifurcation of the discharge pipeline will lower discharge velocities and increase sediment retention within the fill template. Sand will be worked on the beach by bulldozers to meet the specified template grades, slopes, and widths. Construction methods may vary but it is expected that shoreline sand placement will be controlled by advancing a temporary sand dike several hundred feet parallel to shore ahead of the discharge terminus. The beach and dune component will require 13 months to mobilize and construct. Maintenance of restoration is expected during year 20 and year 40 of the project. The applicant has agreed to implement NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* to reduce the risk of injury to sea turtles.

Back-Barrier Marsh Fill

The contractor will likely use a hydraulic cutterhead dredge and booster pump(s) to dig sediment from the available offshore marsh borrow area(s) (Figure 6) and transport it via a submerged pipeline to the marsh platform. Sediment used to construct the marsh containment dikes will be dredged from existing material inside the marsh creation area rather than from offshore borrow areas. Operations will be done in a manner to minimize turbidity. Methods to reduce sediment dispersion in open water areas resulting from construction activities may include silt/turbidity screens or other devices. Discharge and dewatering from the marsh fill shall typically be directed towards the Gulf, including orienting discharge pipes such that the hydraulic flow moves in a gulfward direction, and locating dewatering structures on the gulf side of the Study Area. The contractor may employ other methods such as building interior containment dikes and creating a drainage gradient towards the Gulf. The back-barrier marsh fill component will require 6 months to construct and de-mobilize. Maintenance of restoration is expected during year 20 and year 40 of the project. If excess turbidity occurs, the contractor will be directed to change the operating procedure to reduce the degree of turbidity.

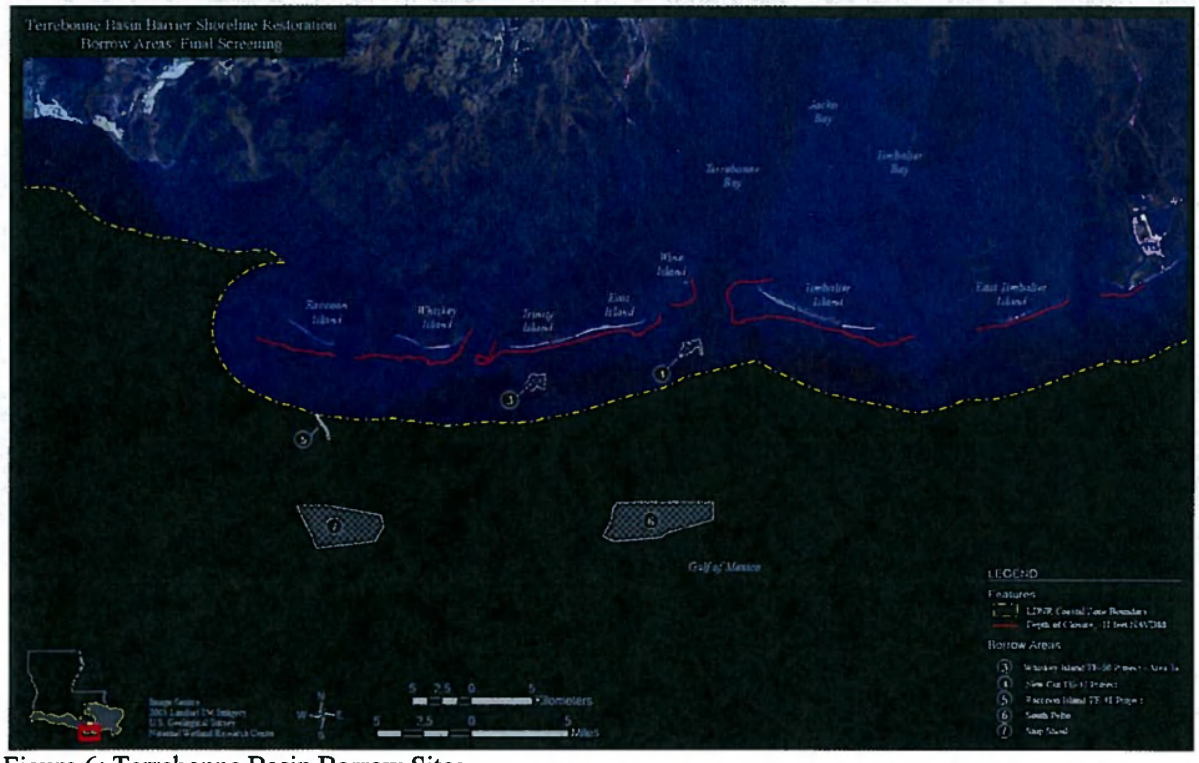

Figure 6: Terrebonne Basin Borrow Sites

3) Point Au Fer Island Restoration (PAFI)

The PAFI project is located on the Gulf within LCA Subprovince 3, in Terrebonne Parish about 30 miles south of Morgan City. The PAFI plan will create and nourish wetlands and provide beach/dune restoration, thereby preserving the site's integrity (Figures 8 and 9). Four hundred acres of land, 366 acres of water (excluding

borrow areas), and 126 acres of state water bottoms (excluding borrow areas) will be impacted in the project area by dredging or placing marsh and beach fill material or rock. Sixty-three acres of state water bottoms will be dredged during maintenance events (4 events during the 50-year project life) to enable equipment access (35 acres) and flotation (28 acres). Since this project is in the initial planning stages, firm project construction timelines were not available, however the scheduled duration contingency recommended for the total duration of the project is 56.6 months. The volume of material dredged for flotation access during maintenance is 439,026 cy. These areas will be backfilled after each maintenance event. Nine hundred sixty acres will be impacted in the marsh fill borrow areas. About 7,300,000 cy of material will be dredged from the borrow areas. The footprint for the beach and dune restoration feature is 115 acres. Nine thousand three hundred linear ft of shoreline will be protected by beach and dune restoration. Seven hundred ninety-nine thousand cy of sand will be used for initial construction of the beach and dune features and 799,000 cy for maintenance.[3] The proposed borrow source for the beach fill material is the Atchafalaya River at the Bar Channel Reach. The project will result in a net gain of 380 acres of wetlands (160 net acres from restored marsh with shoreline protection and 220 net acres from restored beach and dune).

For the beach/dune area a 30-in cutter suction dredge will likely be used, with booster pumps to pipeline transport the material from the borrow area to the beach/dune fill templates on the island. Bulldozers will then work, shape, and grade the materials. Identical methods will be used for the marsh area. The discharge pipe for marsh fill will be directed within the marsh fill template by repeatedly repositioning the discharge location of the pipeline with the assistance of a marsh buggy backhoe. Containment dikes will be built around the edge of the marsh fill template to hold the sediment. Sediment for the containment dikes will be dredged from existing material within the marsh restoration area alongside the dike alignment by a marsh buggy backhoe. Construction operations will be designed to minimize turbidity of the water at the dredge site and the discharge site. Methods to reduce sediment dispersion in open water areas resulting from construction activities may include silt/turbidity screens or other devices. The applicant has agreed to implement NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* to reduce the risk of injury to sea turtles.

[3] Mechanically introducing compatible sediments into the system to supplement longshore sediment transport processes along the Gulf shoreline will help offset the historical disintegration of interior marshes, and increase the ability of the restored area to continue to function and provide habitat, with minimum continuing intervention.

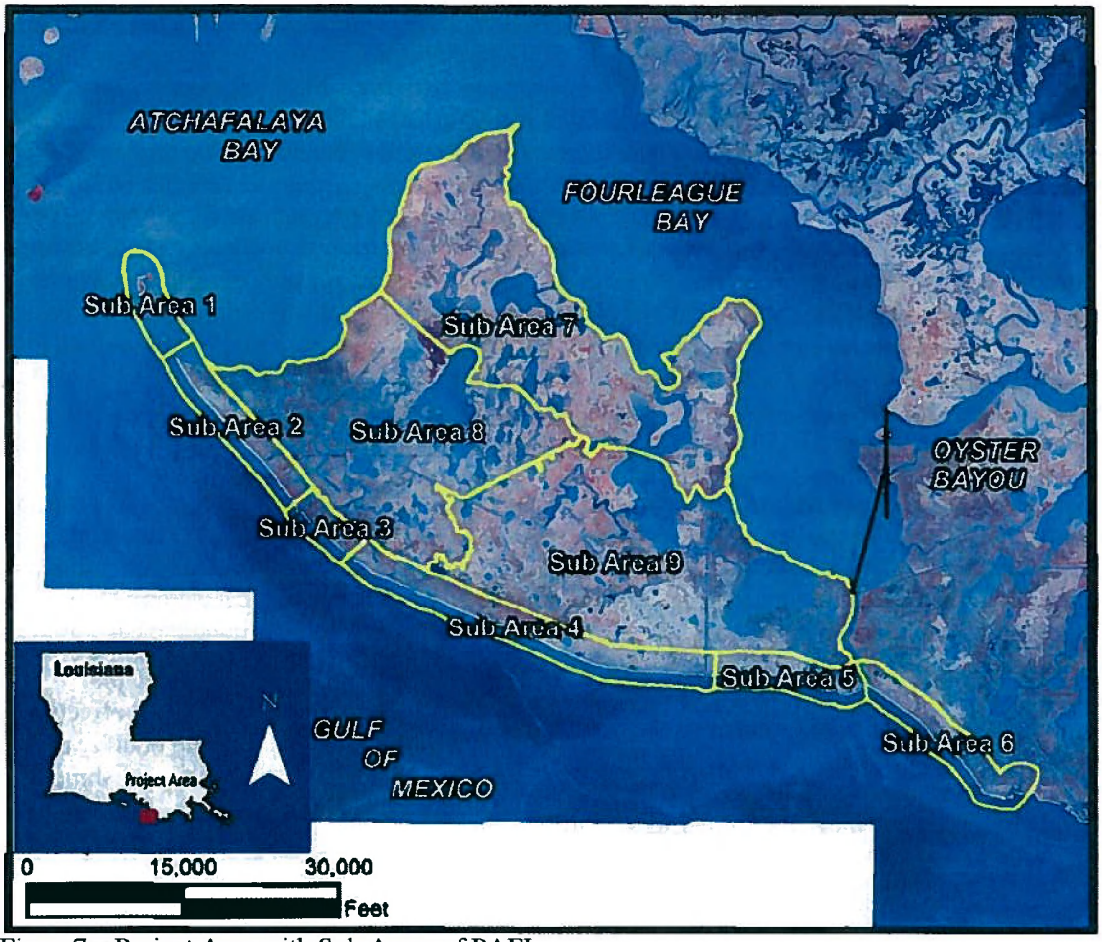

Figure7 – Project Area with Sub Areas of PAFI

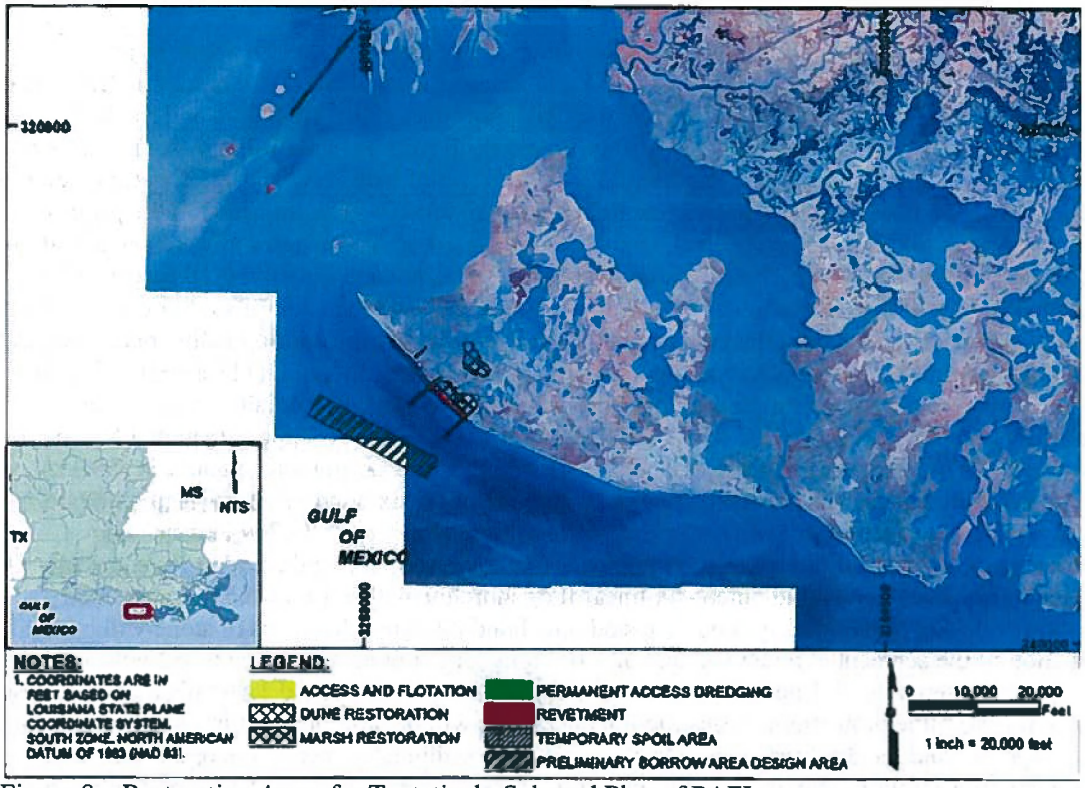

Figure 8 – Restoration Areas for Tentatively Selected Plan of PAFI

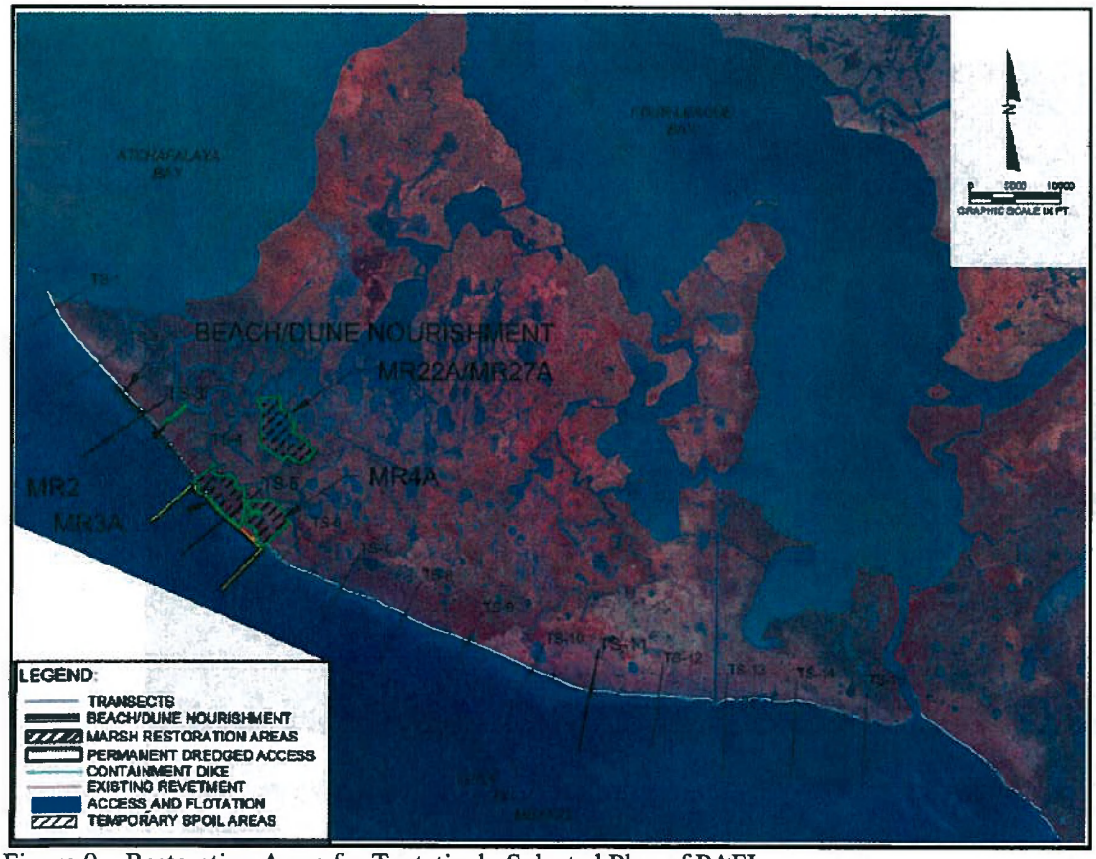

Figure 9 – Restoration Areas for Tentatively Selected Plan of PAFI

4) Caillou Lake Land Bridge Restoration (CLLB)

The CLLB project is located on the Gulf within LCA Subprovince 3, in Terrebonne Parish about 38 miles southeast of Morgan City. The NER plan for Caillou Lake Land Bridge includes marsh restoration in Sub Areas 3 and 4 as well as segmented revetment along the Bayou and Gulf shorelines (Sub Areas 3, 4, and 5). Oyster reef structures are also to be placed along the south shore of Bay Voisin (Sub Area 3), and Caillou Lake in Sub Areas 4 and 5 (Figures 10 &11). Three thousand one hundred forty-seven acres of land, 1,327 acres of water (excluding borrow areas), and 718 acres of state water bottoms (excluding borrow areas) will be impacted in the project area by digging or placing marsh fill material, oyster reef, or rock. Three hundred fifteen acres of state water bottoms will be dredged during construction to facilitate equipment access (105 acres) and flotation (210 acres). The volume to be dredged for access and flotation is 1,093,276 cy. These areas will be backfilled after construction. One hundred twenty-seven acres of state water bottoms will be temporarily dredged during maintenance events (4 events during 50-year project life) to facilitate equipment access (16 acres) and flotation (111 acres). Since this project is in the initial planning stages, firm project construction timelines were not available, however the scheduled duration contingency recommended for the total duration of the project is approximately 3.5 years for all phases of the project. The volume of material dredged for flotation access during maintenance is 399,114 cy. These areas will be backfilled after each maintenance event. One thousand six hundred twenty acres will be impacted in the borrow areas. The volume of borrow area material to be dredged is 33,700,000 cy. The footprints for the shoreline protection features are 48 acres (segmented revetment) and 51 acres (oyster reef). One hundred thirty-one thousand seven hundred ninety-six linear ft of shoreline will be protected by segmented revetment and oyster reef. Six hundred sixty-nine thousand nine hundred ninety-four tons of stone will be used for initial construction of the segmented revetment and 627,104 tons for maintenance. The project will result in a net gain of 2,374 acres of wetlands (511 net acres as a result of shoreline protection and 1,863 net acres as a result of restored marsh with shoreline protection). Construction operations will be designed to minimize turbidity of the water at the dredge site and the discharge site. Methods to reduce sediment dispersion in open water areas resulting from construction activities may include silt/turbidity screens or other devices. The applicant has agreed to implement NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* to reduce the risk of injury to sea turtles.

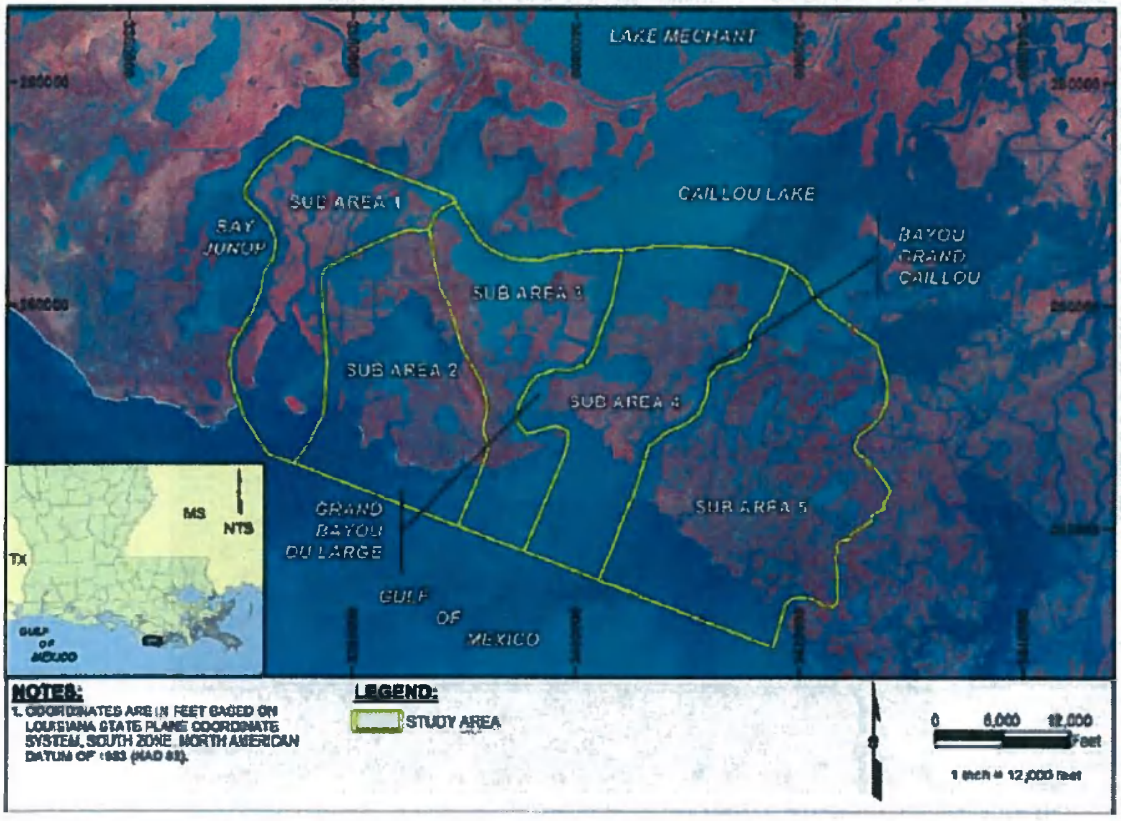

Figure 10 – Study Areas Sub-Area Location Map for CLLB

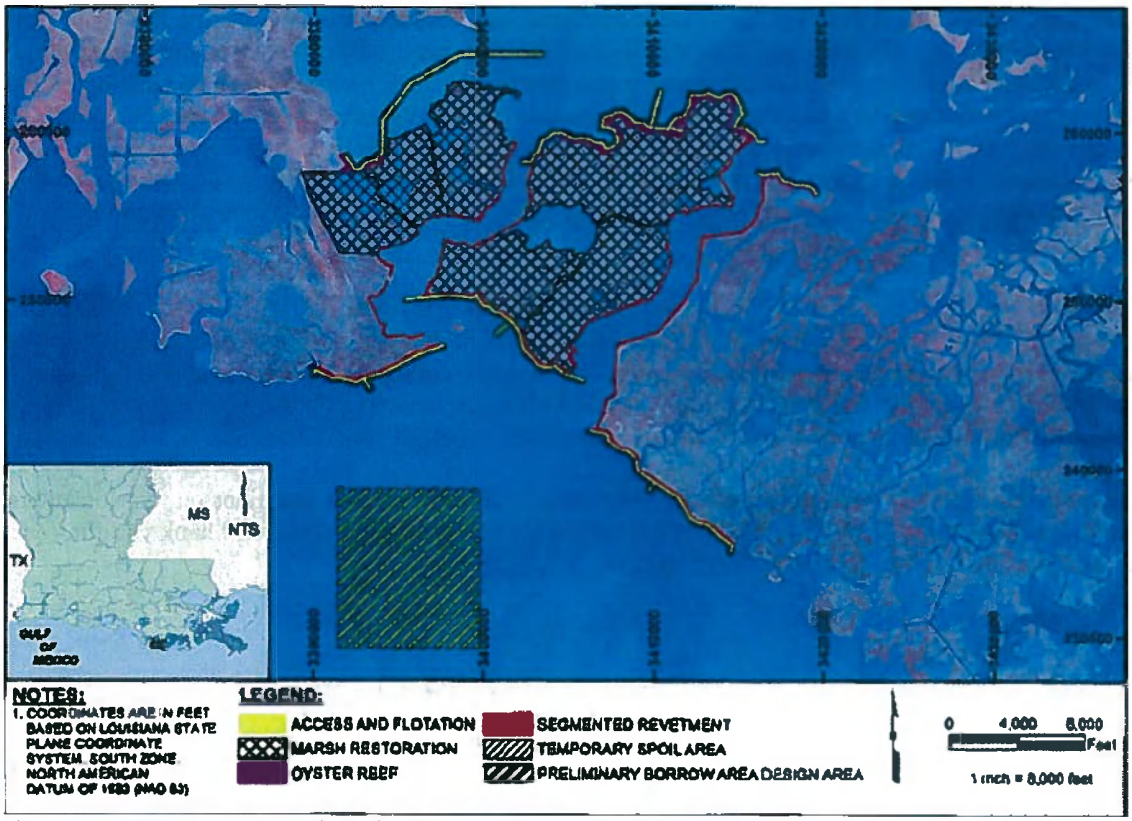

Figure 11 – CLLB Tentatively Selected Plan Project Area Location Map

Analysis of Effects

Five ESA-listed species of sea turtles (the endangered leatherback, Kemp's ridley, and hawksbill; the threatened/endangered[4] green; and the threatened loggerhead[5]) can be found in or near the action area and may be affected by the project (there is no designated critical habitat in or near the project area). NMFS has analyzed the routes of potential effects from the proposed project and determined that sea turtles are not likely to be adversely affected. Effects include risk of injury or death from dredging activities and sediment placement. Sea turtles may be killed if struck by the rotating cutterhead of the dredge and/or sucked into the pipeline, or impacted by the falling bucket of a clamshell-type dredge. NMFS has previously determined that non-hopper-type dredging activities, including hydraulic and mechanical-type dredges (including cutterhead and clamshell dredges), are not likely to adversely affect sea turtles, primarily because they are noisy and slow moving, enabling sea turtles to detect and avoid them, or affect only very small areas at one time. Stranding data suggests that cold-stunned turtles may be taken by cutterhead dredges while they are lethargic or dying; however, this possibility is rare and discountable. To further reduce this risk, NMFS recommends that cutterhead dredging be done in warmer months and that it is delayed after cold snaps. NMFS has received just one report of a healthy sea turtle take by clamshell dredge in the southeastern United States over the past 20+ years. Thus, NMFS believes the likelihood of a sea turtle being taken by a cutterhead or clamshell dredge in the action area is discountable. NMFS believes that the risk of injury from sediment placement in the littoral nearshore environment is also discountable, due to shallow water depths (i.e., 0 to 5 ft) and species mobility.

Sea turtles could be struck by the transit and anchoring of equipment and barges at the project site ; however, the risk of this is also discountable due to the species' mobility. The implementation of NMFS' *Sea Turtle and*

[4]Green turtles are listed as threatened, except for breeding populations in Florida and the Pacific coast of Mexico, which are listed as endangered.
[5]The Northwest Atlantic Distinct Population Segment.

Smalltooth Sawfish Construction Conditions will further reduce the risk of injury to sea turtles. Sea turtles may be affected by having to temporarily avoid the project areas due to disturbances from in-water dredging, restoration activities, and physical exclusion from areas contained by turbidity curtains, resulting in temporary loss of foraging opportunities. The area of disturbance includes the offshore sediment borrow site, the pipeline corridor, and the filling/restoration activities occurring in the littoral nearshore environment surrounding the four LCA projects discussed above. The loss of potential foraging habitat from the creation of beaches and marsh will be insignificant as the goal of this project is to restore the areas to their previously existing marsh habitats, which will in many cases have beneficial effects by increasing potential foraging habitat. Additionally, foraging habitat is not a limiting factor in the project areas, as ample, alternate, adequate foraging habitat is available in the adjacent and surrounding areas near the restoration sites.

This concludes your consultation responsibilities under the ESA for species under NMFS' 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 designated that may be affected by the identified action.

We have enclosed additional relevant information for your review. If you have any questions on this consultation, please contact Ryan Hendren at (727)-551-5610 or by e-mail at Ryan.Hendren@noaa.gov. Thank you for your continued cooperation in the conservation of listed species.

Sincerely,

Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosure

File: 1514-22 F.7
Ref: I/SER/2011/00434

PCTS Access and Additional Considerations for ESA Section 7 Consultations (Revised 7-15-2009)

Public Consultation Tracking System (PCTS) Guidance: PCTS is an online query system at **https://pcts.nmfs.noaa.gov/** that allows federal agencies and U.S. Army Corps of Engineers' (COE) permit applicants and their consultants to ascertain the status of NMFS' Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations, conducted pursuant to ESA section 7, and Magnuson-Stevens Fishery Conservation and Management Act's (MSA) sections 305(b)2 and 305(b)(4), respectively. Federal agencies are required to enter an agency-specific username and password to query the Federal Agency Site. The COE "Permit Site" (no password needed) allows COE permit applicants and consultants to check on the current status of Clean Water Act section 404 permit actions for which NMFS has conducted, or is in the process of conducting, an ESA or EFH consultation with the COE.

For COE-permitted projects, click on "Enter Corps Permit Site." From the "Choose Agency Subdivision (Required)" list, pick the appropriate COE district. At "Enter Agency Permit Number" type in the COE district identifier, hyphen, year, hyphen, number. The COE is in the processing of converting its permit application database to PCTS-compatible "ORM." An example permit number is: SAJ-2005-000001234-IPS-1. For the Jacksonville District, which has already converted to ORM, permit application numbers should be entered as SAJ (hyphen), followed by 4-digit year (hyphen), followed by permit application numeric identifier with no preceding zeros. For example: SAJ-2005-123; SAJ-2005-1234; SAJ-2005-12345.

For inquiries regarding applications processed by COE districts that have not yet made the conversion to ORM (e.g., Mobile District), enter the 9-digit numeric identifier, or convert the existing COE-assigned application number to 9 numeric digits by deleting all letters, hyphens, and commas; converting the year to 4-digit format (e.g., -04 to 2004); and adding additional zeros in front of the numeric identifier to make a total of 9 numeric digits. For example: AL05-982-F converts to 200500982; MS05-04401-A converts to 200504401. PCTS questions should be directed to Eric Hawk at Eric.Hawk@noaa.gov. Requests for username and password should be directed to PCTS.Usersupport@noaa.gov.

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.

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