



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

MEMORANDUM FOR: File

FROM: Jamie Schubert, Marine Habitat Resource Specialist  
NOAA Restoration Center

DATE: August 14, 2015

SUBJECT: DWH Early Restoration projects, Phase IV: no further ESA  
consultation needed from NMFS

Under the Endangered Species Act (ESA) Section 7(a)(2), each Federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species, or destroy/adversely modify designated critical habitat. If a Federal agency determines that a Federal action will have no effect on listed species or designated critical habitat, then the Federal agency is not required to consult with NMFS for purposes of ESA. This memo is not intended to include a summary of DOI protected species for the determinations provided below.

Based on the Restoration Center's review of project materials (Spring 2015) in coordination with representatives from NOAA's Protected Resource Division (PRD) in the South East Regional Office (SERO), the NOAA Restoration Center determined that two of the 10 projects proposed for implementation in Phase IV of the DWH Early Restoration Plan will have No Effect to listed species under the jurisdiction of National Marine Fisheries Service. As such, the projects will not require further ESA evaluation. These projects are:

- Seagrass Recovery Project at Gulf Islands National Seashore, Florida District
- Bike and Pedestrian Use Enhancements at Davis Bayou, Mississippi District, Gulf Islands National Seashore

Based on the Restoration Center's review of project materials (Spring 2015) in coordination with representatives from NOAA's Protected Resource Division (PRD) in the South East Regional Office (SERO), the NOAA Restoration Center determined that two of the 10 projects proposed for implementation in Phase IV of the DWH Early Restoration Plan fall outside of NMFS Endangered Species Act (ESA) jurisdiction (occur above the mean high water line), as they do not contain suitable habitat for species managed by NMFS. These projects will not require further ESA evaluation. These projects are:

- Osprey Restoration in Coastal Alabama
- Bon Secour National Wildlife Refuge Trail Enhancement Project, Alabama

