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CBRA for Four Alabama Projects

Debora McClain <debora_mcclain@fws.gov>

Fri, Jul 17, 2015 at 9:07 AM

To: Bill Pearson <bill_pearson@fws.gov>

Cc: Ashley Mills <ashley_mills@fws.gov>

Bill, attached please find the CBRA consistency determinations for 4 projects within Alabama. If you have any questions please feel free to contact Ashley Mills.

Hope all is going well with you!

Thanks

Debora L McClain

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Dear Project Leader,

The DOI Deepwater Horizon NRDA Case Management Office is continuing to move the proposed Early Restoration projects forward through the various environmental compliance consultations. First, we would like to thank you for all your efforts in the ESA Section 7 consultations your offices have conducted for the currently proposed projects. We are now working on the Coastal Barrier Resources Act consistency determinations. There are four early restoration projects that would occur in Alabama that are being evaluated by the Natural Resource Trustees for the Deepwater Horizon oil spill as potential early restoration projects. The early restoration projects were proposed in the draft early restoration plan that was released for public review and comment on May 20, 2015. These four proposed projects are: Bon Secour National Wildlife Refuge Trail Enhancement Project, Osprey Restoration in Coastal Alabama, Point aux Pins Living Shoreline, and Shell Belt and Coden Belt Roads Living Shoreline.

We used the Coastal Barrier Resources System mapper – Beta (<http://www.fws.gov/cbra/Maps/Mapper.html> [accessed June 24, 2015]) to determine if proposed projects were located within an Otherwise Protected Area or within a Coastal Barrier Resources System Unit. If the proposed projects will occur in an Otherwise Protected Area or outside of a System Unit, no additional analysis was developed.

Bon Secour National Wildlife Refuge Trail Enhancement Project, Alabama

The Bon Secour National Wildlife Refuge (NWR) Trail Enhancement Project is proposed by DOI-U.S. Fish and Wildlife Service for implementation on Bon Secour NWR in Baldwin County, AL. This proposed project involves repairing and enhancing an existing trail (Jeff Friend Trail) located on the NWR. This aged boardwalk and gravel trail would be repaired and improved to American with Disabilities Act (ADA) standards to ensure safe public access and to enhance the quality of visitor experience. An observation platform would also be constructed along the trail, and two handicapped parking spaces would be widened to better accommodate visitors. The project is not expected to significantly increase visitation, but to provide a safe and enhanced experience for visitors to the refuge. If the Trustees select the project after consideration of public comment and a stipulated agreement is reached with BP, the early restoration project will be implemented by the U.S. Fish and Wildlife Service.

Consistency Analysis

The proposed project occurs entirely within Q01P. We have determined that CBRA does not apply because this is an Otherwise Protected Area and the only prohibition is Federal Flood Insurance.

If there is anything else we need to capture for CBRA please let me know.

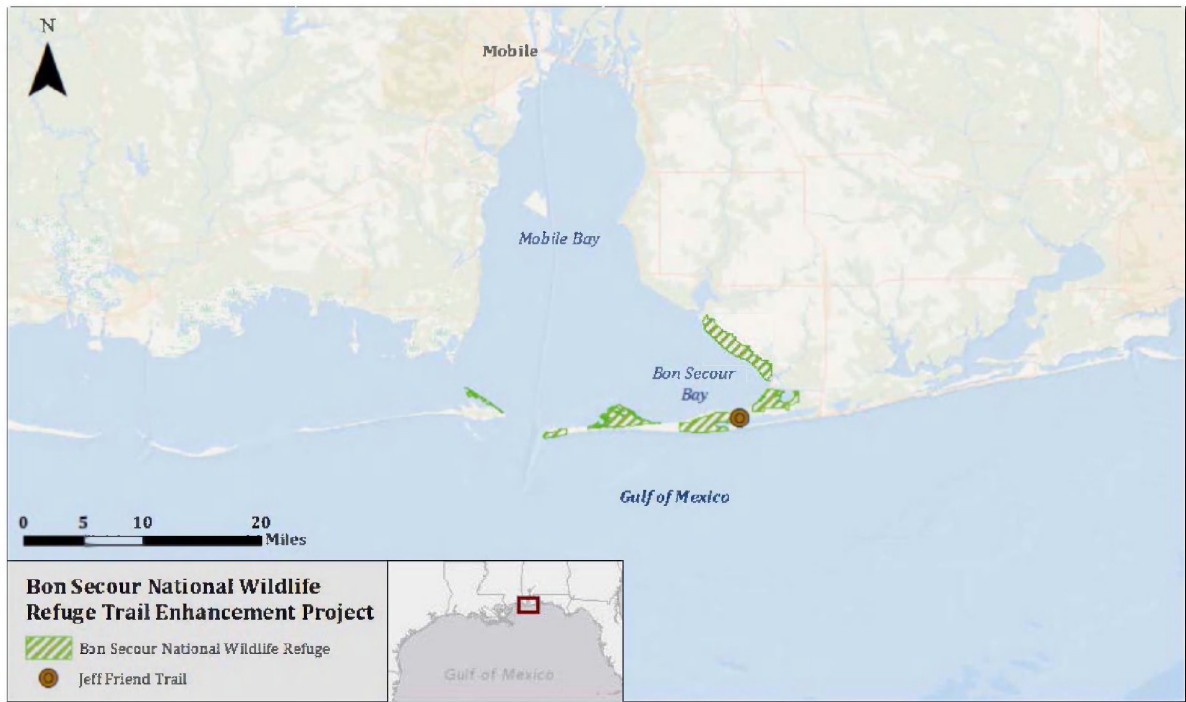


Figure 1. Bon Secour NWR Trail Enhancement Project. Site layout map.

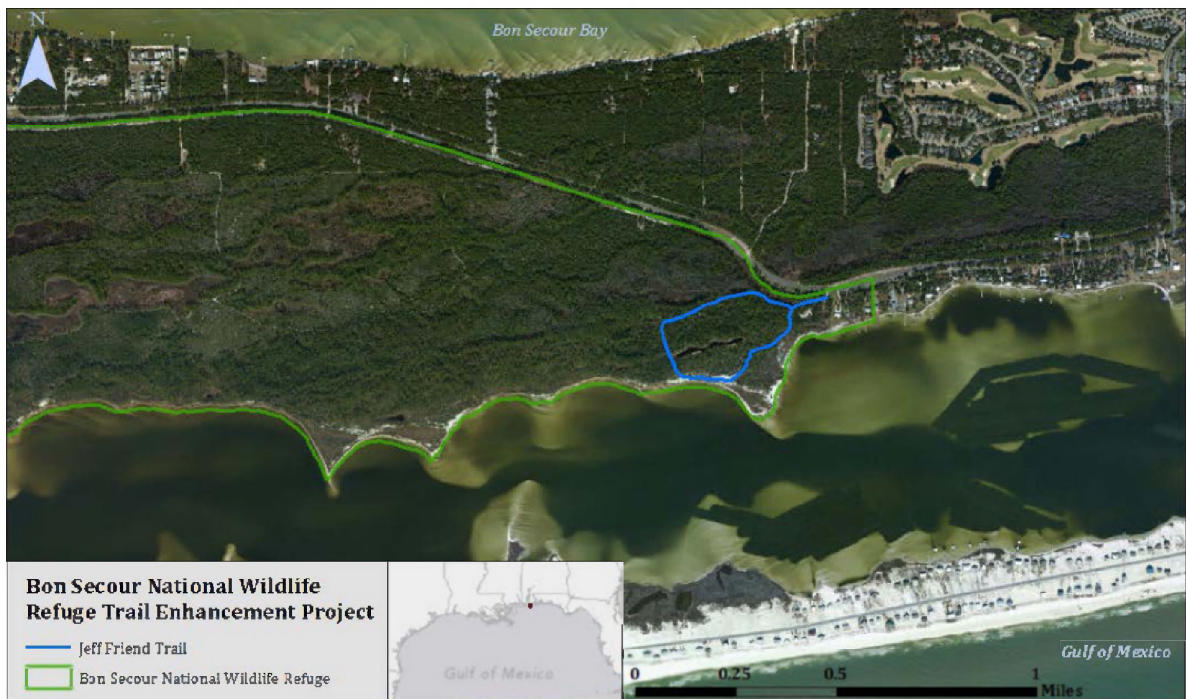


Figure 2. Bon Secour NWR Trail Enhancement Project. Location map.

Osprey Restoration in Coastal Alabama

The Osprey Restoration in Coastal Alabama restoration project is proposed by the Alabama Department of Conservation and Natural Resources (ADCNR) and would install five osprey nesting platforms along the coast in Mobile and Baldwin Counties, Alabama in order to provide enhanced nesting opportunities for piscivorous raptors, including osprey. If the Trustees select the project after consideration of public comment and a stipulated agreement is reached with BP, the early restoration project will be implemented by the ADCNR.

Consistency Analysis

Exact site locations have not yet been identified; however, a portion(s) of the proposed project may occur within Units AL-05P, AL-02P, Q01P, and/or Q02P (Figure 4 includes an area in AL-05P and Q02P, Figures 5-6 fall within Q01P, Figure 7 falls within AL-02P). We have determined that CBRA does not apply because these are Otherwise Protected Areas and the only prohibition is Federal Flood Insurance.

A portion of the proposed project may also occur with System Units Q01A and Q02, on Dauphin Island, AL and is therefore subject to a Consistency Analysis under CBRA. If project sites are chosen within these Units, the proposed action would include installing osprey nesting platforms along the coast. Consequently, these activities are consistent with CBRA under the exception to limitations on expenditures for “[p]rojects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.” The purposes of CBRA are “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts...” 16 U.S.C. § 3505(a)(6)(A). The Osprey Restoration in Coastal Alabama early restoration project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this project is consistent with the purposes of the CBRA and falls within the CBRA exception discussed above.

We are requesting your concurrence with our consistency determination.



Figure 3: Potential Osprey Restoration Locations in the Vicinity of Portersville Bay.



Figure 4: Potential Osprey Restoration Locations in the Vicinity of Dauphin Island.



Figure 7: Potential Osprey Restoration Locations in Gulf State Park.

Point aux Pins Living Shoreline, Alabama

The proposed Point aux Pins Living Shoreline Project is intended to employ living shoreline techniques that utilize natural and/or artificial breakwater materials to stabilize shorelines along an area in Portersville Bay in the Mississippi Sound near Point aux Pins in Mobile County, Alabama. The Alabama Department of Conservation and Natural Resources (ADCNR) would create breakwaters to dampen wave energy and reduce shoreline erosion while also providing habitat and increasing benthic secondary productivity. The proposed project would be located adjacent to an existing living shoreline project previously constructed by the ADCNR utilizing other funding sources.

Construction activities would include placement of breakwater materials along the shoreline. The specific breakwater elevations, construction techniques and design would be developed to maximize project success and meet regulatory requirements. Over time, the breakwaters are expected to provide habitat that supports benthic secondary productivity, including, but not limited to, bivalve mollusks, annelid worms, shrimp, crabs, and small forage fishes. The proposed project location and layout are shown in Figures 8 and 9 below. If the Trustees select the project after consideration of public comment and a stipulated agreement is reached with BP, the early restoration project will be implemented by the Alabama Department of Conservation and Natural Resources (ADCNR).

Consistency Analysis

The proposed Point aux Pins Living Shoreline project is not within any designated System Unit and is therefore not subject to CBRA.

Point aux Pins Living Shoreline Project Location Figures



Figure 8. Point aux Pins Living Shoreline Project, Alabama. Site Location.

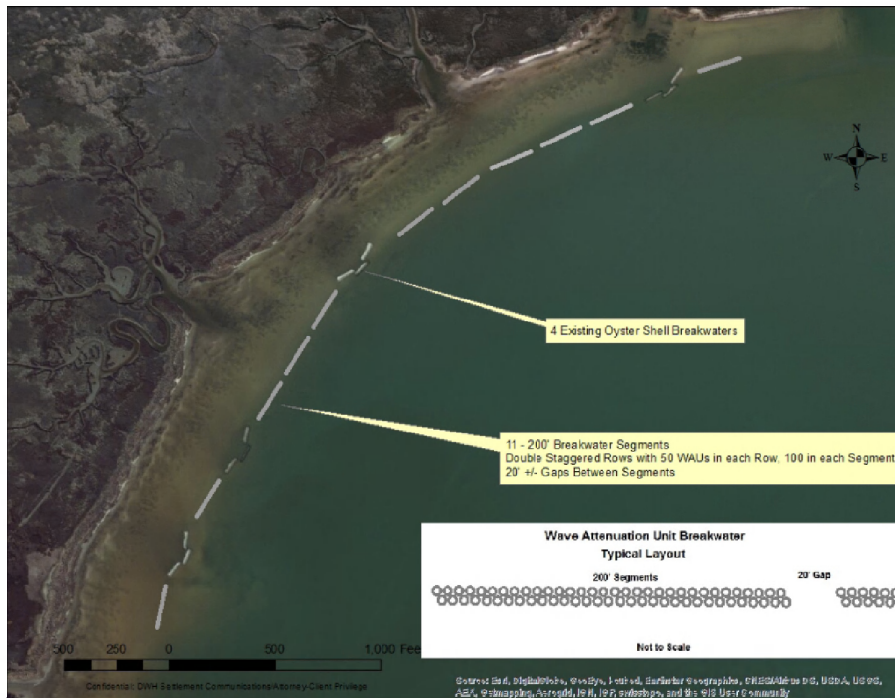


Figure 9. Point aux Pins Living Shoreline Project, Alabama. Proposed Project Layout.

Shell Belt and Coden Belt Roads Living Shoreline, Alabama

The proposed Shell Belt and Coden Belt Roads Living Shoreline project would employ shoreline restoration techniques to increase benthic productivity and enhance the growth of planted native marsh vegetation. The proposed project would be located in the Portersville Bay portion of Mississippi Sound, seaward of the southernmost portions of Shell Belt and Coden Belt Roads in Coden, Alabama. The Alabama Department of Conservation and Natural Resources (ADCNR) would construct shoreline breakwaters to dampen wave energy and protect newly planted emergent vegetation while also providing habitat and increasing benthic secondary productivity. The specific breakwater elevations, construction techniques and design would be developed to maximize project success and meet state regulatory requirements. Over time, the breakwaters are expected to develop into reefs that support benthic secondary productivity, including, but not limited to, bivalve mollusks, annelid worms, shrimp, and crabs. Marsh vegetation is expected to become established further enhancing both primary and secondary productivity adjacent to the breakwaters. The proposed project location and layout are shown in Figures 10-12 below. If the Trustees select the project after consideration of public comment and a stipulated agreement is reached with BP, the early restoration project will be implemented by the Alabama Department of Conservation and Natural Resources (ADCNR).

Consistency Analysis

The proposed Shell Belt and Coden Belt Roads Living Shoreline Project, Alabama is not within any designated System Unit and is therefore not subject to CBRA.

Shell Belt /Coden Belt Roads Living Shorelines Location Figures



Figure 10. Shell Belt/Coden Roads Living Shorelines Project, Alabama. Site Location.

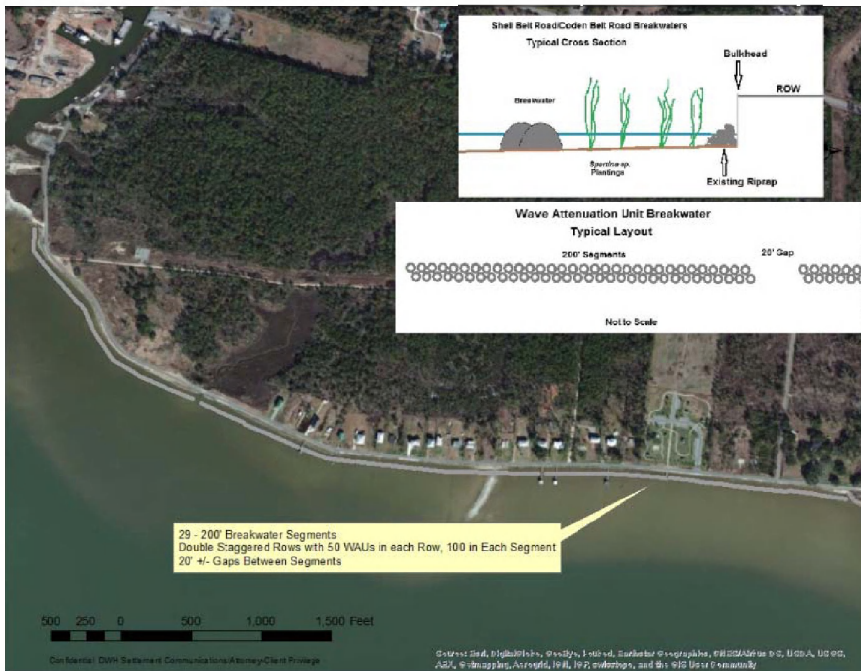


Figure 11. Coden Belt Road Living Shoreline, Alabama. Proposed Project Layout.

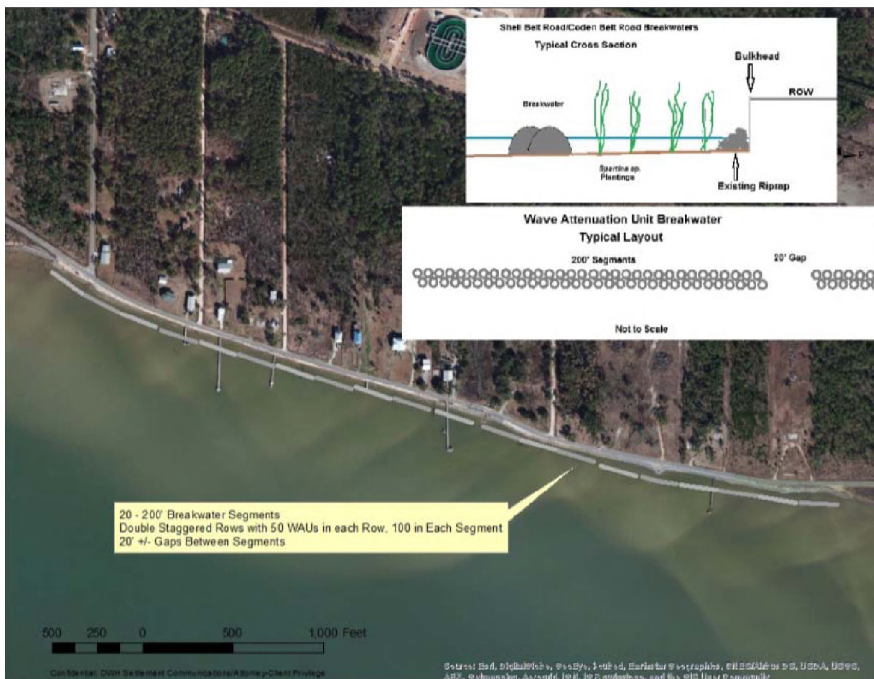


Figure 12. Shell Belt/ Coden Belt Roads Living Shoreline, Alabama. Proposed Project Layout.



Mills, Ashley <ashley_mills@fws.gov>

CBRA for Four Alabama Projects

Powell, Jeff <jeff_powell@fws.gov>

Thu, Jul 23, 2015 at 9:05 AM

To: Ashley Mills <ashley_mills@fws.gov>

Cc: Debora McClain <debora_mcclain@fws.gov>, Shannon Holbrook <shannon_holbrook@fws.gov>, Bill Pearson <Bill_Pearson@fws.gov>

Hi Ashley,

This responds to your email that we received in this office on July 21, 2015, regarding a Coastal Barrier Resource Act (CBRA) determination for the DWH Early Restoration Project Osprey Restoration in Coastal Alabama. Your email requests that the Fish and Wildlife Service (Service) determine whether the proposed facilities are located within the John H. Chafee Coastal Barrier Resource System (CBRS) and if so, whether the project is consistent with the Coastal Barrier Resource Act (CBRA) of 1982.

The Service has reviewed the proposed activity and concurs with your determination that the proposed project is located within the CRBS and is consistent with CBRA.

If you have questions, please contact Shannon Holbrook of this office at 251-441-5871.

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