

In Reply Refer To:

04EF3000-2015-I-0125

Date: May 21, 2015

Memorandum

To: Deputy Case Manager, *Deepwater Horizon* Department of the Interior Natural Resource Damage Assessment and Restoration (NRDAR)

From: Dr. Catherine Phillips, Field Supervisor, Panama City Field Office

Subject: Informal Consultation and Conference for the Proposed Seagrass Recovery at Gulf Islands National Seashore, Florida District Project

This memorandum acknowledges our receipt of your memorandum on May 15, 2015. This response is in accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA). We have reviewed your proposed project and concur with your May 5, 2015 determinations for endangered and threatened species, their critical habitat, and at-risk species (should they become listed). We based our concurrence on the justification below. Where more than one justification was applicable, multiple boxes are checked and additional comments are added.

Species-specific surveys were conducted and there are no endangered, threatened, or at-risk species or designated critical habitat on site. Comments: _____

Endangered, threatened, and at-risk species are not known from and are not expected to occur within the vicinity of the proposed project. Comments: _____

Appropriate avoidance and minimization measures have been included within the project description to ensure that any effects to listed species (or at-risk species should they become listed) are insignificant or discountable. Comments: _____

Critical habitat is not present on site and does not occur within the vicinity of the proposed project. Comments: _____

Appropriate avoidance and minimization measures have been included within the project description to ensure PCEs and/or critical habitat will not be adversely modified or destroyed. Comments: _____

The proposed project is completely beneficial to the listed or at-risk species and/or critical habitat considered. Comments: _____

Unless the project description changes, or new information reveals that the effects of the proposed action may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the ESA is necessary.

If you have questions, please contact Channing St. Aubin at 850-769-0552 ext 248 or email channing_staubin@fws.gov.

Channing St. Aubin

Field Supervisor

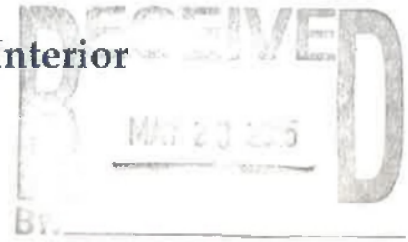
21 May 2015

Date



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345



In Reply Refer To:
FWS/R4/DH NRDAR

May 5, 2015

Memorandum

To: Field Supervisor, Panama City Ecological Services Office, Florida

From: Deputy Deepwater Horizon, Department of the Interior-Natural Resource Damage Assessment and Restoration (NRDAR), Case Manager *Debra L. [Signature]*

Subject: Informal Consultation Request for the Proposed Seagrass Recovery at Gulf Islands National Seashore, Florida District Project

As you are no doubt aware, on or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon* experienced an explosion, leading to a fire and its subsequent sinking in the Gulf of Mexico (the Gulf). These events resulted in the discharge of millions of barrels of oil into the Gulf over a period of 87 days. In addition, various response actions were undertaken in an attempt to minimize impacts from spilled oil. These events are hereafter collectively referred to as the Oil Spill.

The Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service (the Service) and other Bureaus, is a designated natural resource trustee agency authorized by the Oil Pollution Act of 1990 (OPA) and other applicable federal laws to assess and assert a natural resource damages claim for this Oil Spill. DOI is only one of several Trustees, including agencies in the State of Florida, so authorized. Consistent with their federal and state authorities, the Trustees are investigating the resource injuries and losses that occurred as a result of the Oil Spill and have initiated restoration planning to identify the actions that will be needed or appropriate to restore injured natural resources to make the public whole for injuries and losses that occurred. This process is known as a Natural Resource Damage Assessment (NRDA).

On April 20, 2011, DOI, National Oceanic and Atmospheric Administration, and the Trustees for the five Gulf states affected by the Oil Spill entered into an agreement with BP, a responsible party for the Oil Spill, under which BP agreed to provide \$1 billion for early restoration projects in the Gulf to address injuries to natural resources caused by the Oil Spill. The subject project is being evaluated by the Trustees as a potential early restoration project. The early restoration project will be proposed in a draft early restoration plan that will be released for public comment and review. If the Trustees select the project after publication of the plan and consideration of public comment and a stipulated agreement is reached with BP, the early restoration project will be implemented by the National Park Service (NPS). DOI, acting through the NPS, will be the lead Trustee for the project, if it is selected and implemented.

The above facts lead us to the conclusion that consultation and conference under Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), is required for the proposed project and we wish to engage in such consultation. Accordingly, we have reviewed

the proposed Seagrass Recovery at Gulf Islands National Seashore, Florida District Project, for potential impacts to listed, candidate, and proposed species and designated and proposed critical habitats in accordance with Section 7 of the ESA. We determined the proposed project may affect, but is not likely to adversely affect West Indian manatee and will have no effect to piping plover or red knot. We have provided our analysis in the attached ESA Biological Evaluation Form for *Deepwater Horizon* Oil Spill Restoration (BE). This form will also be used to initiate consultation with National Marine Fisheries Service for species where ESA regulatory authority is shared (Gulf sturgeon, Gulf sturgeon critical habitat and five species of sea turtles (loggerhead, green, Kemp's ridley, leatherback, and hawksbill) using in-water habitats) and in regards to Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1461 *et seq.*).

Within the BE, we have also reviewed the proposed project for impacts to bald eagles and migratory birds in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712), respectively.

We request your review of and concurrence with the attached BE describing the proposed project, potential effects, conservation measures and justifications for our determinations. To facilitate your response, should you concur with our determinations, we have attached a template response letter. If you have questions or concerns regarding this request for consultation, please contact Ashley Mills, Fish and Wildlife Biologist, at 812-756-2712 or ashley_mills @fws.gov.

Attachments (3)

Endangered Species Act Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

Fish and Wildlife Service & National Marine Fisheries Service

This form will be used to provide information for the initiation of informal Section 7 consultations under the Endangered Species Act, if required or to document a No Effect determination. In addition, information provided in this form may be used to inform other regulatory compliance processes such as Essential Fish Habitat (EFH), Marine Mammal Protection Act (MMPA), Section 106 of the National Historic Preservation Act (NHPA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA). Further information may be required beyond what is captured in this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

<i>Lead Agency</i>		
U.S. Fish and Wildlife Service/National Marine Fisheries Service	<i>Phone</i>	<i>Email</i>
<i>Agency Contact Person</i>	812-756-2712 and	Ashley_Buchanan@fws.gov and
Ashley Mills and Laurel Jennings	206-526-4601	Laurel.Jennings@noaa.gov
<i>I. Applicant Agency or Business Name</i>		
National Park Service		
<i>II. Applicant Contact Person</i>	<i>III. Phone</i>	<i>Email</i>
Amy Mathis	(251) 517-8014	amy_mathis@nps.gov
<i>IV. Project Name and ID# (Official name of project and ID number assigned by action agency)</i>		
Seagrass Recovery at Gulf Islands National Seashore, Florida District		
<i>V. Project Type</i>		
Seagrass Restoration		
<i>VI. NMFS Office (Choose appropriate office based on project location)</i>		
NMFS Southeast Regional Office		
<i>VII. FWS Office (Choose appropriate office based on project location)</i>		
Panama City Ecological Services Field Office (Panama City)		

B. Project Location

<i>I. Physical Address of Project Site (If applicable)</i>
Gulf Islands National Seashore's Florida District, south of the Naval Live Oaks unit of the park, on Santa Rosa Sound.
<i>II. State & County/Parish of Project Site</i>
Santa Rosa County, Florida
<i>III. Latitude & Longitude for Project Site (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: http://transition.fcc.gov/mb/audio/bicke/DDDMSS-decjmol.html])</i>
See project area map. An area with corner coordinates of 30.366981 -87.11745, 30.367925 -87.117667, 30.355992 -87.153778, 30.357056 -87.154125
<i>IV. Township, range and section of the project area</i>
N/A

C. Description of Action Area

1. Attach a separate map delineating where the action will occur.
2. Describe ALL areas that may be affected directly or indirectly by the Federal action and not merely the immediate project site involved in the action, or just where species or critical habitat may be present. Provide a description of the existing environmental conditions and characteristics (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural).
3. If habitat for species is present in the action area, provide a general description of the current state of the habitat.
4. Identify any management or other activities already occurring in the area.
5. Detailed map of the area of potential effect for ground disturbing activities if it is different from the project area.

See attached map. The project is located in Santa Rosa County, Florida, in the shallow water seagrass beds of Santa Rosa Sound just south of the Naval Live Oaks (NLO) Unit of Gulf Islands National Seashore's Florida District (GUIS). The NLO unit lies between the towns of Gulf Breeze and Oriole Beach. The area of potential action for seagrass restoration lies within a polygon bounded by these coordinates: 30.366981 -87.11745, 30.367925 -87.117667, 30.355992 -87.153778, 30.357056 -87.154125. The project is within the critical habitat for the Gulf sturgeon, Santa Rosa Sound Unit 10. No other critical habitat exists within the project area.

In the vicinity of Naval Live Oaks, the coastal plain surface is underlain by a wide belt of mostly fluvial, late Pliocene sediments of the Citronelle formation. At several northwestern Florida locations, Citronelle deposits include interlayered estuarine lenses. When sea level was lower and climate was drier during the late Pleistocene Wisconsin glacial stage, eolian processes formed dunes and sand sheets from reworked sands of older deposits. These dunes and sand sheets cover the Gulfport Formation in the adjacent Florida and Southeastern Alabama mainlands, including the Naval Live Oaks unit of GUIS. The soils at GUIS can be typified as greatly weathered and leached, with little organic material, low natural fertility, and high acidity. Deposits are mostly quartz sand with varying amounts of clay, silt, and shell fragments, depending on the location (NPS 2014). In the Naval Live Oaks unit of GUIS, seagrass beds and the substrate beneath the vegetation have been degraded mostly through human foot traffic. Instances of propeller scarring, blow holes, vessel groundings, and damage from anchors also occur.

The entire project area is within a generally shallow, estuarine environment, in approximately 2-6 feet of water in areas supporting sea grasses. The adjacent shoreline habitat in the vicinity of the project area is mostly live oak forest, with some small areas of sandy beach habitat. All work will occur in-water. No work will occur on land. The project area will be accessed via established public boat ramps and no new access or staging areas will be necessary.

a. **Waterbody**
(If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.)

Santa Rosa Sound

b. **Existing Structures**
(If applicable. Describe the current and historical structures found in the project area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina.). If known, please provide the years of construction.)

N/A

c. **Seagrasses & Other Marine Vegetation**
(If applicable. Describe seagrasses found in project area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the project area.)

Turtle grass is the primary seagrass species in the potential area of Interest polygon. Seagrass cover is estimated at approximately 75%. The area will be surveyed for the least robust seagrass cover (substantially less than 75% seagrass cover). Shoal grass (*Halodule wrightii*) a pioneer seagrass species which colonizes more readily than turtle grass, will be transplanted from healthy beds (75% cover or greater) within the project area to facilitate eventual colonization of turtle grass. See Project Description below for a discussion of BMPs which will be followed.

d. **Mangroves**
(If applicable. Describe the mangroves found in project area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the project area.)

N/A

e. **Corals**
(If applicable. Describe the corals found in project area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the project area.)

N/A

f. **Uplands**
(If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc).

N/A

D. Project Description

i. *Construction Schedule (What is the anticipated schedule for this or phases of work? Include duration of in water work.)*

1 Month - development of scope of work; 2 Months - contracting and award; 1 Month - survey area to determine specific restoration areas; 2 weeks - Mobilization; 2 weeks for seagrass transplant; 1 month until first monitoring event (in water); after 12 months, an additional monitoring event. Total project implementation time 6 months, with one discrete monitoring event 12 months after project completion.

ii. *Describe the Proposed Action: 1. What is the purpose and need of the proposed action? 2. How do you plan to accomplish it? Describe in detail the construction equipment and methods** needed; permanent vs. temporary impacts; duration of temporary impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging, laydown areas. **If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, or artificial reefs, list the method here, but complete the next section(s) in detail.*

The proposed Seagrass Recovery at Gulf Islands National Seashore, Florida District project will restore non-thriving seagrass beds located primarily in turtle grass (*Thalassia testudinum*) habitats in the waters of the Seashore in Santa Rosa County, Florida. Proper marking of the restoration areas will warn boaters and deter boat traffic from the areas to allow recovery. Typical signs are 2.5 ft tall x 3 ft wide and are attached either to one or two posts that are driven into the sea floor. The top of the sign will be set 6 ft above the water at mean tide.

The project will be located in the waters south of the Naval Live Oaks unit of Gulf Islands National Seashore's Florida District in Santa Rosa County (See Figure A for approximate project location). The area contains turtle grass habitat that, if not restored, may continue to erode.

Pre-restoration surveys would determine the site(s) in the Naval Live Oaks area most in need of restoration. Prior to implementation, seagrass scarring would be surveyed using aerial imagery and snorkeling, then mapped with GPS. One large scar/blowhole, or several smaller scars/blowholes/foot traffic injuries could be treated, depending on the severity of scarring in the area. It is not anticipated that sediment transfer would be necessary to facilitate seagrass recovery in this low-energy environment. If sediment transfer is required, consultation would be re-initiated.

Immediately prior to transplant (the same day), the sites would be prepared by manually removing existing natural resources (e.g. macroalgae, lobster) from the site and relocating to a nearby area away from restoration activities. This would include trapping and releasing macrofauna such as lobsters in an area removed from the project site. The presence of workers in the area would likely cause any transiting fish and marine mammals to relocate themselves away from the project site.

Plugs of shoal grass (*Halodule wrightii*), would be harvested using hand tools from nearby healthy (>75% seagrass cover) donor sites at a low harvesting density and immediately transplanted into the injured areas (same day). Plugs would be harvested in such a manner and density that surrounding seagrass should readily recolonize the donor site. Non-regulatory seagrass signs would be placed around the restoration area to prevent re-injury. The following seagrass transplant BMP's would be followed: 1) No repeated harvest from donor sites within a calendar year; 2) No harvest from high current areas; 3) To the maximum extent possible, the environment at the donor site would match conditions at the restored site for: salinity, sediment types, tidal current speeds, wave exposure, and temperature; 4) The donor beds would be located on shallow, sandy shoals where *Halodule* grows at densities of at least 3,000 shoots per square meter; 5) Harvest of donor seagrass would be spaced at 3-foot radius intervals from the outer edge of any core taken at a maximum; 6) The maximum core size diameter would not exceed 20 centimeters.

Bird stakes may be placed in the restoration area to facilitate this seagrass establishment. Typical bird stakes are constructed of 3/4 in. PVC (Sch80) support poles and 2x4x4 in. treated wood blocks attached atop the poles. The poles are driven into the sea floor. The stakes will attract birds who then supply natural fertilizer to the restoration area in the form of feces, which are rich in phosphorus and nitrogen.

Wayside exhibits may be installed on shore near the water's edge where visitors access the water to educate them about the dangers to seagrass from foot and boat traffic.

Monitoring would be accomplished by snorkeling or diving at the site, arriving at the site via a small vessel. Recruitment will be considered persistent and successful if shoal grass is observed to be established in the restored areas at the end of the monitoring period. Approximately ten percent of the affected area (e.g., areas with existing and restored scars) will be monitored through random placement of square 0.25 meter squared quadrats. Benthic cover of seagrasses will be estimated in the quadrats using a modified Braun-Blanquet scale. This will be done initially after the transplants are installed and again one year later. Monitoring data and any resultant reports will be provided to NMFS Protected Resources.

iii. *Specific In-Water Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicated if work will be done from upland, barge, or both.)*

- a. *Overwater Structures (Place your answers to the following questions in the box below.)*
- i. *Is the proposed use of this structure for a docking facility or an observation platform?*
 - ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*
 - iii. *Use of "Dock Construction Guidelines"? <http://sero.nmfs.noaa.gov/pr/endangered%20species/Section%207/DockGuidelines.pdf>*
 - iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
 - v. *Height above Mean High Water (MHW) elevation?*
 - vi. *Directional orientation of main axis of dock?*
 - vii. *Overwater area (sqft)?*
 - viii. *Use of "Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006"? <http://sero.nmfs.noaa.gov/pr/endangered%20species/Sea%20Turtle%20and%20Smalltooth%20Sawfish%20Construction%20Conditions%203-23-06.pdf>*

For a discussion of specific in-water methods, see D II above. The project is extremely localized and of a very short duration. It is anticipated that any animals transiting the area would naturally avoid the noise and turbidity of the project.

Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006 (NMFS 2006) and Standard Manatee Conditions for In-water Work (USFWS 2011) will be implemented and adhered to during project implementation. We anticipate these conservation measures will allow us to avoid any risk of adverse effects to manatees, sea turtles, or gulf sturgeon transiting the project area.

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.)*

N/A

c. *Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

- e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the project area.)*

N/A

- f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft²) to be dredged, volume of material (yd³) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)).*

N/A

- g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

- h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.)*

N/A

E. Species & Critical Habitat

1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.

2. Attach a separate map identifying species/critical habitat locations within the action area.

For information on species and critical habitat under FWS jurisdiction, visit <http://www.fws.gov/endangered/species/>.

Under NMFS jurisdiction,

visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf

SPECIES and/or CRITICAL HABITAT (CH)	STATUS	CH UNIT
Green turtle (marine habitat)	Threatened	
Hawksbill turtle (marine habitat)	Endangered	
Kemp's ridley turtle (marine habitat)	Endangered	
Leatherback turtle (marine habitat)	Endangered	
Loggerhead turtle (marine habitat)	Threatened	
West Indian manatee	Endangered	
Gulf sturgeon (marine habitat)	Threatened	
Piping Plover	Threatened	
Red Knot	Threatened	
	Select One	
Gulf sturgeon designated critical habitat Santa Rosa Sound unit 10	Critical Habitat	
	Select One	
	Select One	
	Select One	
	Select One	
	Select One	

F. Effects of the Proposed Project

Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)

Sea Turtles (green, hawksbill, Kemp's ridley, leatherback, and loggerhead):

No work will occur in the terrestrial environment; therefore no impacts will occur to sea turtle species in the terrestrial environment. The main risk to sea turtles during implementation of this project would come from boat collisions which could result in harm or mortality. Additionally, the noise produced by the movement of boats to and from the project site may disturb transiting turtles, and seagrass transplant placement may cause temporary turbidity, which could make it difficult for turtles to navigate properly. However, due to the localized nature and very short duration of project implementation, we anticipate that transiting turtles would naturally avoid the area. Adherence to the Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006 (NMFS 2006) should reduce the potential risks to sea turtles from in-water work to an insignificant and discountable level. Therefore we believe this project is Not Likely to Adversely Affect sea turtles. The project does not overlap with the critical habitat areas in Florida for the Northwest Atlantic Distinct Population Segment of the loggerhead turtle (79 FR 39756).

West Indian Manatee:

The primary risk to manatees during project completion would be the potential for boat collisions resulting in harm or mortality. The noise produced by the movement of boats to and from the project site may disturb transiting manatees, and seagrass transplant placement may cause temporary turbidity, which could make it difficult for manatees to navigate properly. We expect manatee to naturally avoid any areas of increased turbidity as they are not known to use turbid habitats. We do not expect this avoidance of the project area to result in changes to normal behaviors. This project is very localized and in-water work will be of very short duration. Adherence to the Standard Manatee Conditions for In-water Work (USFWS 2011) should reduce the potential risks to manatees from in-water work to an insignificant and discountable level. Therefore we believe this project is Not Likely to Adversely Affect West Indian manatees.

Red Knot and Piping Plover:

No Effect is anticipated on these species because the project will take place in water, and the staging will take place from established boat ramps in the Gulf Breeze area. Noise from the project may reach the shore, but as work will take place no closer than 50 meters from shore, we do not anticipate the noise to startle birds. Additionally, red knots and piping plovers are not known to utilize the small beach areas in the project vicinity. Since the project will not take place on shore, we do not anticipate these species to be affected.

Gulf Sturgeon:

Gulf sturgeon is a highly mobile species that utilizes riverine, estuarine, and marine habitats throughout its lifecycle. Turbidity of the water may increase during project completion and the noise from the boats may affect species within the area. If transiting the area, Gulf sturgeon could be startled by in-water work or have difficulty navigating due to turbidity. We expect Gulf sturgeon to naturally

II. Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.

Gulf sturgeon designated critical habitat:

The applicable PCE's for Gulf sturgeon in estuarine environments include 1) abundant food items, 5) appropriate water quality, 6) appropriate sediment quality, and 7) safe and unobstructed migratory pathways. No long-term impacts to sturgeon's critical habitat or PCE's are expected because of this project. There may be a temporary increase in turbidity, as well as changes in food abundance and water quality during project completion. However, these changes will be temporary and extremely localized and will not affect the open waters of Santa Rosa Sound. The entire project will occur on just 0.02 acres. Conservation measures noted in IIIa above will be implemented to ensure this project has no effect on Gulf sturgeon critical habitat.

G. Actions to Reduce Adverse Effects

Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinstate this consultation.)

Sea Turtles: This project will adhere to the Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) as applicable, specifically:

- All construction personnel will be notified of the potential presence of sea turtles in the water and will be reminded of the need to avoid sea turtles.
- All construction personnel will be notified of the criminal and civil penalties associated with harassing, injuring, or killing sea turtles.
- In areas where adults or hatchlings could be present and vehicles or mechanical equipment maybe used, a pre-operational survey will be conducted to ensure no adults or hatchlings are present or in the path of the equipment.
- Train/instruct all construction personnel of what they are to do in the presence of a sea turtle.
- Construction activities will occur during daylight hours and noise will be kept to the minimum feasible.

Piping plover and Red knot

- If piping plovers or red knots are present on shore, work will not occur within 150 feet.

West Indian Manatee:

The project will adhere to applicable Standard Manatee Conditions for In-water Work (USFWS 2011).

Gulf Sturgeon:

- All construction personnel will be notified of the potential presence of Gulf sturgeon in the water and reminded of the criminal and civil penalties associated with harassing, injuring, or killing Gulf sturgeon.
- Keep construction noise low (in air and in water) to the greatest extent possible.
- Care shall be taken in lowering equipment or material below the water surface and into the sediment. These precautions would be taken to ensure no harm occurs to any sturgeon which may have entered the project area undetected.
- Maintain spill response kits on board during project implementation.
- In the unlikely event that a protected Gulf sturgeon approaches (within 100 yards) any near-shore, littoral areas of the proposed project, work would immediately cease until the sturgeon moves away from the area on its own volition.
- All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in the project area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels would preferentially follow deep-water routes (e.g., marked channels) whenever possible.

ii. Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinstate this consultation.)

Gulf Sturgeon:

No impacts to Gulf sturgeon's critical habitat or PCE's are expected from this project. The same conservation measures listed above to reduce adverse effects to individuals would mitigate any potential impacts to the species' critical habitat.

H. Effect Determination Requested

From the sections above, there should be enough detailed information to provide clear and obvious support for your determinations in the section below. If the rationale for the determination is not clear, additional information must be added to one of the sections. Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or CRITICAL HABITAT	DETERMINATION (see definitions below)
Green turtle	No Effect
Hawksbill turtle	No Effect
Kemp's ridley turtle	No Effect
Leatherback turtle	No Effect
Loggerhead turtle	No Effect
Gulf Sturgeon	No Effect
West Indian Manatee	May Affect, Not Likely to Adversely Affect
Piping Plover	No Effect
Red Knot	No Effect
Gulf Sturgeon critical habitat Santa Rosa Sound unit 10	No Effect
	Select Most Appropriate
	Select Most Appropriate
	Select Most Appropriate
	Select Most Appropriate
	Select Most Appropriate
	Select Most Appropriate

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is "Concurrence." This conclusion is appropriate when effects to the species or critical habitat will be beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is "Formal Consultation". Response requested for proposed and candidate species is "Conference." This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination should be "is likely to adversely affect." Such a determination requires formal section 7 consultation and will require additional information.

JP = likely to jeopardize proposed species/adversely modify proposed critical habitat. For proposed species and proposed critical habitats, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the proposed species or adversely modify an area proposed for designation as critical habitat. If you reach this conclusion, a section 7 conference is required.

JC = likely to jeopardize candidate species. For candidate species, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the candidate species. If this conclusion is reached, intra-Service section 7 conference is required.

I. Bald Eagles

Are bald eagles present in the action area? NO YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is no line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office,
 Texas -- (505) 248-7882 or by email: permitsR2MB@fws.gov
 Louisiana, Mississippi, Alabama, Florida -- (404) 679-7070 or by email: permitsR4MB@fws.gov

J. Migratory Birds

Identify the species anticipated in the project area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). Use additional tables on the next page if needed.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS
Seabirds (terns, gulls, skimmers, double-crested cormorants, American white pelican, brown pelican)	Foraging, feeding, resting, roosting	Seabirds forage, feed, rest, and roost near the project area. As such they may be impacted locally and temporally by the project. Foraging may occur in the water in the project area. However it is expected that birds would move to another nearby location to continue foraging, feeding, and resting. These birds primarily nest and roost in the dunes. Therefore we do not anticipate impacts.

If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized.

SPECIES/SPECIES GROUP	CONSERVATION MEASURES TO MINIMIZE IMPACTS
Seabirds (terns, gulls, skimmers, double-crested cormorants, American white pelican, brown pelican)	Care will be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances will be localized and temporary. The general behavior of these birds is to mediate their own exposure to human activity when given the opportunity. Roosting should not be impacted because the project will occur during daylight hours only. Nesting will not be impacted because the project is limited to open water areas.

Migratory Birds

Continuation page if needed.

II.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS
shorebirds	nesting, feeding, resting	Shorebirds are likely to be present conducting all routine behaviors in the general project vicinity. As such they may be impacted locally and temporally by the project. Foraging may occur along the shoreline near the project area. However it is expected that birds would move to another nearby location to continue foraging, feeding, and resting if disturbed by the noise. These birds primarily nest and roost in the dunes, rather than at the boat ramps that will be used for access.

If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized.

SPECIES/SPECIES GROUP	CONSERVATION MEASURES TO MINIMIZE IMPACTS
shorebirds	<p>Care will be taken to minimize noise and vibration near areas where foraging or resting birds are encountered. All disturbances will be localized and temporary. The general behavior of these birds is to mediate their own exposure to human activity when given the opportunity. Roosting should not be impacted because the project will occur during daylight hours only. Should nesting birds be discovered in the boat ramp areas, nesting will not be impacted because the following measures will be implemented.</p> <p>Nesting Shorebirds:</p> <ul style="list-style-type: none"> • All construction personnel will be notified of the potential presence of nesting shorebirds and seabirds within the project area. • All construction personnel will be instructed and trained in the protection of shorebirds and seabirds. • Construction activities will be conducted in accordance with the Florida Fish and Wildlife Conservation Commission's guidelines developed to protect nesting shorebirds. • Construction personnel will be notified of the criminal and civil penalties associated with harassing, injuring, or killing shorebirds and seabirds.

III.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS

If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized.

SPECIES/SPECIES GROUP	CONSERVATION MEASURES TO MINIMIZE IMPACTS

Pre-existing NEPA Documents

Yes No

Does this project have any pre-existing, site specific NEPA analysis? If YES, then provide final NEPA analysis, if not final then provide draft. If tiered from a programmatic EIS or EA, then provide the programmatic document or a link below.

Tiered from the DWH Early Restoration Phase III PEIS - <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/phase-iii/>

NMFS ESA §7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Laurel.Jennings@noaa.gov**. Questions about consultation status may be directed to the same email address or by phone, 206-526-4601 or 206-794-4761 (cell).

FWS ESA § 7 Consultation

We request that all consultation requests/packages to FWS be submitted electronically to: **Ashley_Buchanan@fws.gov**. You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation. If you have questions about consultation status, please contact Ashley Mills by phone 812-756-2712 or email **Ashley_Buchanan@fws.gov**.

Name of Person Completing this Form:

Amy Mathis

Name of Project Lead:

Date Form Completed:

05/14/2015

May 4, 2015

Seagrass Recovery Project at Gulf Islands National Seashore, Florida District

