



In Reply Refer To:
02ETCP00-
2017-I-0018

United States Department of the Interior


FISH AND WILDLIFE SERVICE
Coastal Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, Texas 77058
281/286-8282 / (FAX) 281/488-5882



August 9, 2017

Memorandum

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

From: Field Supervisor, Chuck Ardizzone 

Subject: Informal Consultation for the Proposed Bessie Heights Wetland Restoration, Orange County, Texas

This memorandum acknowledges our receipt of your memorandum on July 28, 2017. 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 July 28, 2017 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: The project area is outside the typical habitat type for piping plover, red knot and West Indian manatee.
- 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: The project will follow the Project Design Criteria described in NMFS's *Framework Biological Opinion on Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Impact Statement*, NMFS's *Vessel Strike Avoidance Measures and Reporting for Mariners* and Best Management Practices including NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions*. Collision with

and/or injury of manatees should also be reported to the U.S. Fish and Wildlife Service at (281-286-8282).

Critical habitat is not present on site and does not occur within the vicinity of the proposed project. Comments: Piping plover critical habitat is present along much of the Texas coast but no units are located in the vicinity of the project area.

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 Susan Stanley at (281) 286-8282 ext. 229 or email susan_stanley@fws.gov.