



MEMORANDUM FOR: FILE

FROM: Christy Fellas, DWH Environmental Compliance Coordinator
NOAA Restoration Center, Southeast Region *Christy*

DATE: July 28, 2017

SUBJECT: Projects Proposed in Texas Trustee Implementation Group Restoration Plan #1 and Environmental Assessment: EFH No Effect Determination

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), established procedures designed to identify, conserve, and enhance Essential Fish Habitat (EFH) for those species regulated under a Federal fisheries management plan (FMP). A Federal agency must prepare an EFH Assessment for any Federal action that may adversely affect EFH (50 CFR 600.920(e)(1)). A Federal agency must first determine whether their action may adversely impact EFH. If a Federal agency determines that a Federal action may adversely impact EFH, then the Federal agency must prepare an EFH assessment. If a Federal agency determines that a Federal action will not adversely affect EFH, then the Federal agency is not required to prepare an EFH Assessment.

Based on my review of project materials (Spring 2017) in coordination with representatives from NOAA's Habitat Conservation Division (HCD) in the South East Regional Office (SERO), the NOAA Restoration Center determined that a portion of projects proposed for implementation in the Texas Trustee Implementation Group Restoration Plan #1 and Environmental Assessment will not affect EFH because the projects are upland, restricted to planning or have been designed to avoid affecting EFH. As a result, none of the projects below require further EFH evaluation. Should any project be modified in a way that could adversely impact EFH, this determination will be reevaluated as appropriate.

Proposed Projects that will not affect EFH

- Oyster Restoration Engineering (E&D)
- Bird Island Cove Habitat Restoration engineering (E&D)
- Essex Bayou Habitat Restoration Engineering (E&D)
- Dredge Material Planning for wetland restoration (E&D)
- Follets Island Habitat Acquisition
- Midcoast Habitat Acquisition (Big Boggy NWR Addition)
- Bahia Habitat Coastal Corridor Acquisition (Holly Beach)
- Laguna Atascosa Habitat Acquisition
- McFaddin Beach and Dune Restoration

Two projects proposed for implementation have already completed EFH consultation as part of the U.S. Army Corps of Engineers (USACE) permitting process. These projects are:

- Indian Point Shoreline Erosion Protection (USACE number: SWG-2012-00591)
- Bahia Grande Hydrologic Main Channel (USACE number: SWG-2003-01954)