



**UNITED STATES DEPARTMENT OF COMMERCE**  
 National Oceanic and Atmospheric Administration  
**NATIONAL MARINE FISHERIES SERVICE**  
 Southeast Regional Office  
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 St. Petersburg, Florida 33701-5505  
<http://sero.nmfs.noaa.gov>

F/SER31:MT

MEMORANDUM FOR: F/HC3 – Leslie Craig

FROM: *for* F/SE – Roy E. Crabtree, Ph.D. *R. Crabtree*

DEC 12 2017

SUBJECT: Endangered Species Act Informal Consultation for the Indian Point Shoreline Erosion Protection Project, Proposed for Funding under the Deepwater Horizon Oil Spill Natural Resource Damage Assessment in the Texas Trustee Implementation Group Restoration Plan #1 and Environmental Assessment

Project Name	Applicants	SER Number	Project Type
Indian Point Shoreline Erosion Protection Project	National Marine Fisheries Service (NMFS) Restoration Center (RC) and Texas Parks and Wildlife Department (TPWD)	SER-2017-18816	Rock Breakwater Construction

This memorandum responds to the NMFS RC’s July 28, 2017, memorandum requesting concurrence from NMFS Protected Resources Division (PRD) under Section 7 of the Endangered Species Act (ESA) with NMFS RC’s project-effects determination for the Indian Point Shoreline Erosion Protection Project in Corpus Christi Bay, Texas. You determined that the proposed project may affect, but is not likely to adversely affect, green, hawksbill, Kemp’s ridley, leatherback, and loggerhead sea turtles.

**Consultation History**

We received your memorandum requesting consultation on July 28, 2017, and initiated consultation on that day. NMFS PRD’s determinations regarding the effects of the proposed action are based on the description of the action in this informal consultation. Any changes to the proposed action may negate the findings of the present consultation and may require reinitiation of consultation with NMFS PRD.

**Project Location**

Address	Latitude/Longitude	Water body
Indian Point Pier Rd., Nueces County, Texas	27.852496°N, 97.351597°W; (North American Datum 1983)	Corpus Christi Bay, Gulf of Mexico

The Indian Point Shoreline Erosion Protection site is located approximately 2 miles southwest of the city of Portland, Texas. Indian point is a peninsula in north western Corpus Christi Bay on the eastern shore of the mouth of Nueces Bay as it connects with Corpus Christi Bay (Figure 1).



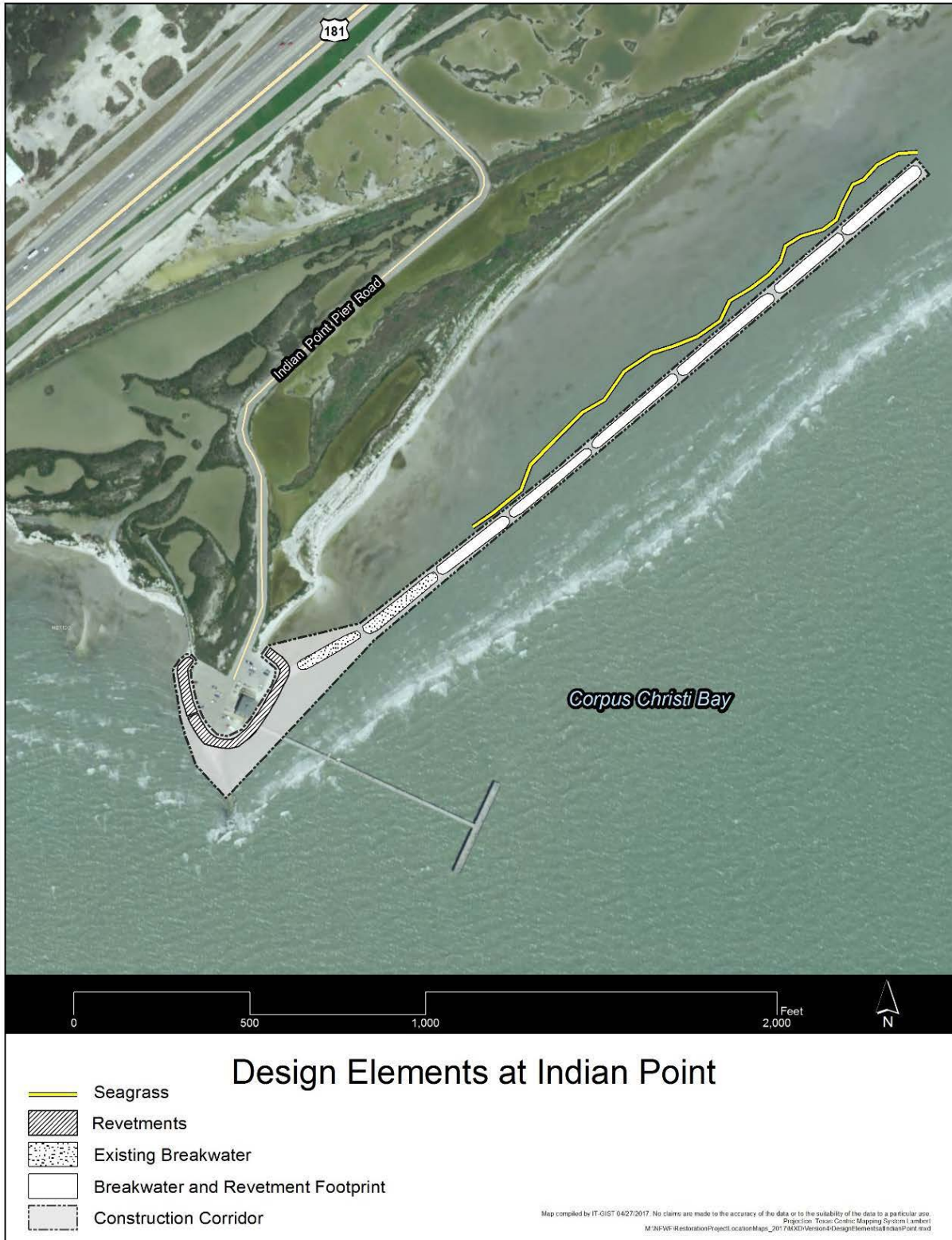


Figure 1. Breakwater structure proposed for protection of the Indian Point shoreline (Figure 2 in TPWD’s Biological Evaluation Form for the Indian Point Shoreline Erosion Protection Project).

## **Project Description**

Rock rip-rap will be placed on top of geotextile fabric to ultimately construct a segmented breakwater structure approximately 2,800 feet in length (8 segments of approximately 300 ft, separated by 30 ft gaps between each segment; Figure 1). Rock revetment around the point along with two of the proposed breakwater segments were previously constructed as part of an earlier project so the remaining 6 segments would be constructed as the currently proposed action. The contractor would access the breakwater construction corridor from the shore by utilizing the existing breakwaters, placing the geotextile fabric, and then placing the rock along the corridor until reaching the full extent of the project length. The rock would be placed via dump trucks and then groomed/positioned through the use of long armed front end loaders. The contractor would then back out of the project area and remove sections of the riprap to create the gaps between the segmented breakwaters. The final structure would have a still-water elevation of 1 to 2 feet above the water line. Detailed construction design plans are shown in Figure 2.

While the majority of the construction equipment and materials are expected to be transported to the construction corridor via existing roadways, there is a potential for some construction equipment and materials to be transported via marine barges. Small watercraft may also be used during some construction related activities. Project activities will be conducted only during daylight hours, and project construction is anticipated to be completed in less than a year, with actual “in water work” limited to a maximum of 8 months.

Seagrass beds are present adjacent to the project site according to the TPWD seagrass viewer (<http://tpwd.texas.gov/gis/seagrass/>) and preconstruction surveys (HDR 2013 Sea Grass Survey). However, existing seagrass beds have been delineated and will be completely avoided during the construction process. Water calming benefits associated with the proposed breakwaters are expected to enhance the area for further sea grass colonization.

During all in-water activities, the construction contractors will implement all applicable conditions of NOAA’s [\*Sea Turtle and Smalltooth Sawfish Construction Conditions\*](#), dated March 23, 2006,<sup>1</sup> and [\*Measures for Reducing Entrapment Risk to Protected Species\*](#) dated May 22, 2012.<sup>2</sup> Silt curtains will be deployed to contain sediments and minimize turbidity around the construction zone.

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<sup>1</sup>[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/guidance\\_docs/documents/sea\\_turtle\\_and\\_smalltooth\\_sawfish\\_construction\\_conditions\\_3-23-06.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/sea_turtle_and_smalltooth_sawfish_construction_conditions_3-23-06.pdf)

<sup>2</sup>[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/guidance\\_docs/documents/entrapment\\_bmps\\_final.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/entrapment_bmps_final.pdf).

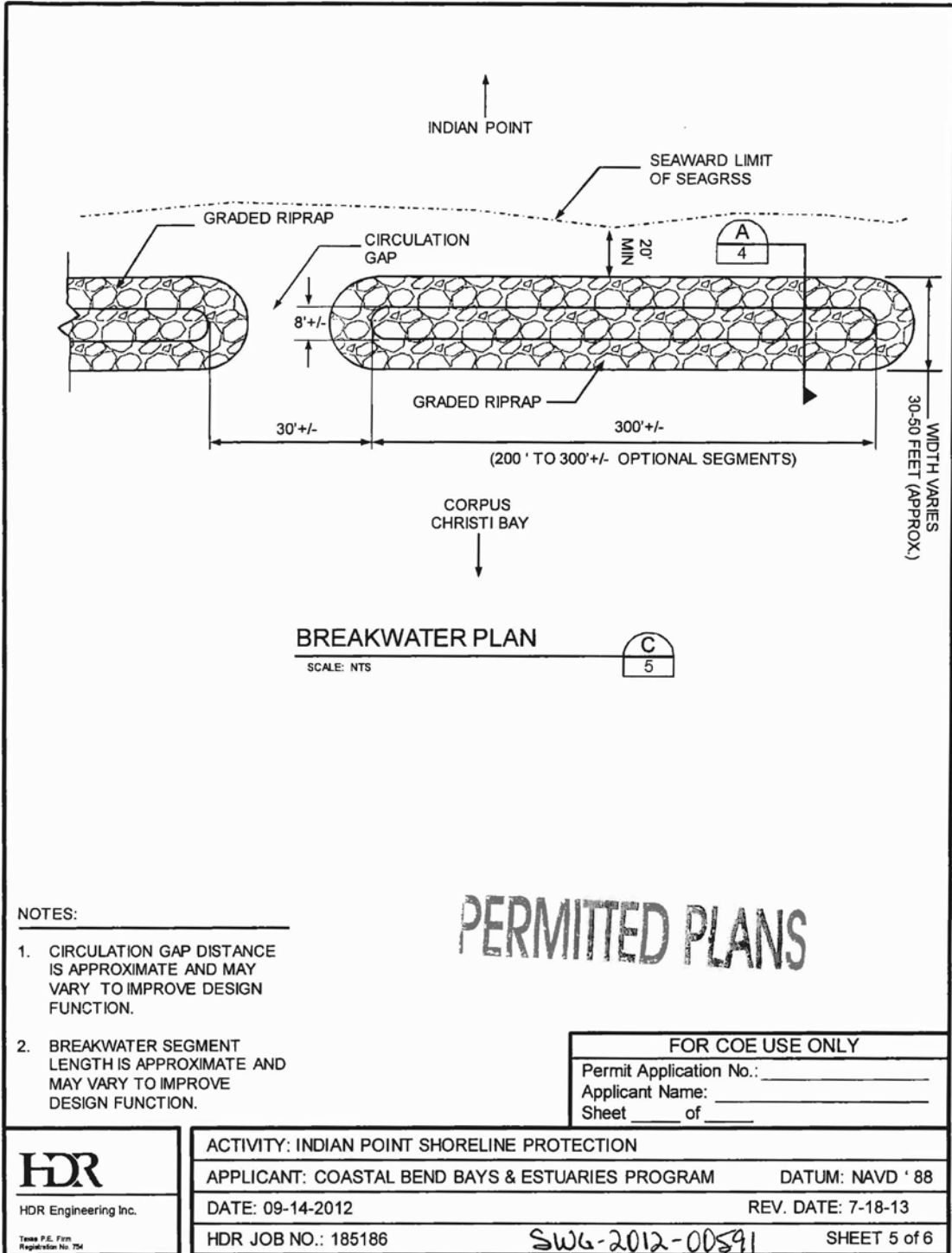


Figure 2. Design schematic for proposed breakwater segments (Figure 4 in TPWD's Biological Evaluation Form for the Indian Point Shoreline Erosion Protection Project).

**Effects Determinations for Species the Action Agency or NMFS Believes May Be Affected by the Proposed Action**

Species	ESA Listing Status	Action Agency Effect Determination	NMFS Effect Determination
<b>Sea Turtles</b>			
Green (North and South Atlantic distinct population segments [DPS])	T	NLAA	NLAA
Kemp's ridley	E	NLAA	NLAA
Loggerhead (Northwest Atlantic Ocean DPS)	T	NLAA	NLAA
Leatherback	E	NLAA	NE
Hawksbill	E	NLAA	NE
E = endangered; T = threatened; NLAA = may affect, not likely to adversely affect; NE = no effect			

We believe the project will have no effect on hawksbill and leatherback sea turtles, due to the species' very specific life history strategies, which are not supported in the action area. There are no known nesting beaches or nursery habitat near the action area. Leatherback sea turtles have pelagic, deepwater life history, where they forage primarily on jellyfish. Hawksbill sea turtles typically inhabit inshore reef and hard bottom areas where they forage primarily on encrusting sponges. These habitat types do not occur anywhere near the project site.

**Critical Habitat**

The project is not located in designated critical habitat, and there are no potential routes of effect to any designated critical habitat.

**Analysis of Potential Routes of Effects to Species**

NMFS PRD has identified the following potential effects to sea turtles from implementing the proposed project and concluded that these species are not likely to be adversely affected.

Sea turtles may be injured if struck by construction related vessels, equipment or materials (e.g. front end loader arm or rock placed for breakwaters). The risk of this adverse effect occurring is discountable because these species are highly mobile and are expected to avoid the noise and disturbance associated with construction activities. The applicant's implementation of NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions* will further reduce the risk by requiring all construction vessels to maintain slow transit speeds (5 knots or less), and that all workers watch for sea turtles. Operation of any mechanical construction equipment will cease immediately if a sea turtle is seen within a 50-ft radius of the equipment. Activities will not resume until the protected species has departed the project area of its own volition.

Sea turtles may be temporarily unable to use the construction site for forage or refuge habitat due to the effects of construction activities (noise, increased turbidity, deployment of turbidity curtains, etc.). However, construction activities would occur in open water and the affected area is relatively small compared to the surrounding areas of suitable habitat, any effects would be localized, and the duration of effects is expected to be relatively short (8 months or less). For

these reasons, any potential effects to sea turtles from temporary avoidance/exclusion from construction area will be insignificant.

Sea turtles may become entrapped within areas that are enclosed by turbidity curtains or breakwaters. It is extremely unlikely that sea turtles will be entrapped due to the implementation of NMFS's *Measures for Reducing Entrapment Risk to Protected Species*, dated May 22, 2012. Thus, we believe that the risk of entrapment is discountable.

### **Conclusion**

Because all potential project effects to listed species were found to be discountable or insignificant, we conclude that the proposed action is not likely to adversely affect listed species under NMFS's purview. This concludes your consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or if new information reveals effects of the action not previously considered, or if the proposed action is subsequently modified in a manner that causes an effect to listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the proposed action.

We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions about this consultation, please contact Mike Tucker, Consultation Biologist, at (727) 209-5981, or by email at michael.tucker@noaa.gov.

File: 1514-22C.