

In Reply Refer To:

2023-0133335

September 26, 2023

Memorandum

To: Compliance Supervisor, Deepwater Horizon Gulf Restoration Office, Fairhope, AL

From: James Austin, Mississippi Ecological Services Field Office

Subject: Informal Consultation for the Proposed Grand Bay Land Acquisition and Habitat Management action area is located within the boundaries of the Grand Bay National Wildlife Refuge, Grand Bay National Estuarine Research Reserve, and portions of the Grand Bay Savanna Coastal Preserve.

This memorandum acknowledges our receipt of your memorandum on August 8, 2023. 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(s) and concur with your July, 25, 2023, updated 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.
  - The revised consultation for this project includes the eastern black rail.
- 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 Paul Necaise at 228-493-6631 or email [paul\\_necaise@fws.gov](mailto:paul_necaise@fws.gov).