



United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506



May 31, 2018

Mr. Ben Frater
Fish and Wildlife Service
Deepwater Horizon Gulf Restoration Office
341 Greeno Road North, Suite A
Fairhope, Alabama 36532

SUBJECT: ESA Concurrence Request for Recreational Use Restoration Plan Projects,
Deepwater Horizon NRDAR Louisiana Trustee Implementation Group

Dear Mr. Frater:

Please reference your May 24, 2018, memorandum requesting our review of three proposed projects that would be implemented in Louisiana by the Deepwater Horizon NRDAR Louisiana Trustee Implementation Group (LA TIG). The LA TIG has evaluated these three projects as potential restoration projects under the draft *Louisiana Trustee Implementation Group Draft Restoration Plan/Environmental Assessment #2: Provide and Enhance Recreational Opportunities*, which was released for public review and comment on January 26, 2018. The Fish and Wildlife Service (Service), Louisiana Ecological Services Office has reviewed the information provided and offers the following comments in accordance with the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Your office provided Biological Evaluation forms addressing the potential effects, conservation measures, and justifications and requested our concurrence with your determination of the following three projects effects on Federally listed threatened and endangered species in Louisiana under the Service's jurisdiction:

- Project 1: Lake Charles Science Center and Educational Complex, Calcasieu Parish, Louisiana.
- Project 2: Enhance 11 existing artificial reef sites located in Calcasieu Lake (Cameron Parish), Vermilion Bay (Iberia Parish), Cote Blanche Bay (St. Mary Parish), Ship Shoal 26 (offshore in Terrebonne Parish), Lake Pelto/Terrebonne Bay (Terrebonne Parish), Lake Pontchartrain/South Shore (Orleans Parish), Baratavia Bay (Jefferson Parish), Grand Isle 9 (offshore in Jefferson Parish), and Breton Sound (Plaquemines Parish), Louisiana.

- Project 3: Construct parking areas and adjoining fishing piers along Island Road in the Pointe-aux-Chenes Wildlife Management Area (WMA), Terrebonne Parish, Louisiana.

Our records indicate that there would be no anticipated impacts to Federally listed endangered, threatened, proposed, or candidate species as a result of Projects 1 and 3, and your office has made a “no-effect” determination for these projects. We concur with this determination. Therefore, no further ESA consultation for those projects will be necessary unless the locations of those projects change prior to implementation or a new species is listed that has not already been reviewed in this screening.

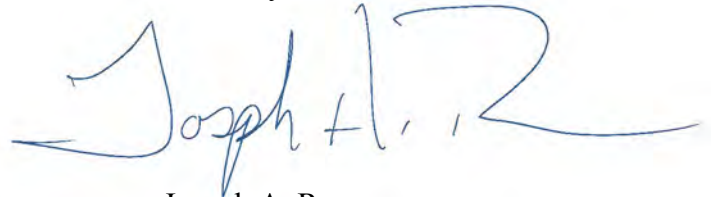
The proposed artificial reef expansion projects would be located in areas where the threatened West Indian manatee (*Trichechus manatus*) may occur. The West Indian manatee is known to regularly occur in Lakes Pontchartrain and Maurepas and their associated coastal waters and streams. It also can be found less regularly in other Louisiana coastal areas, most likely while the average water temperature is warm. Based on data maintained by the Louisiana Natural Heritage Program (LNHP), over 80 percent of reported manatee sightings (1999-2011) in Louisiana have occurred from the months of June through December. Manatee occurrences in Louisiana appear to be increasing and they have been regularly reported in the Amite, Blind, Tchefuncte, and Tickfaw Rivers, and in canals within the adjacent coastal marshes of southeastern Louisiana. Manatees may also infrequently be observed in the Mississippi River and coastal areas of southwestern Louisiana. Cold weather and outbreaks of red tide may adversely affect these animals. However, human activity is the primary cause for declines in species number due to collisions with boats and barges, entrapment in flood control structures, poaching, habitat loss, and pollution.

According to the Biological Evaluation form for the artificial reefs project, the proposed alternative sites were selected to avoid seagrass beds. Thus, this species is unlikely to see any significant adverse effect from the proposed alternative sites. Further, water quality best management practices and standard West Indian manatee protection measures would be employed to avoid and minimize impacts to water quality and benthic environments and to minimize potential interactions with manatee. Based on the above information, the Service’s Louisiana Ecological Services Office concurs with your determination that implementation of the proposed action is not likely to adversely affect the West Indian manatee in Louisiana. No further ESA consultation for these projects will be necessary unless the locations of those projects change prior to implementation or a new species is listed that has not already been reviewed in this screening.

A copy of the “West Indian Manatee Protection Measures” for in-water activities in Louisiana is attached for your use. These measures are specific to Louisiana and reference contact information for the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program and the Service’s Louisiana Ecological Services Office.

The Service's, Louisiana Ecological Services Office appreciates the opportunity to provide comments in the planning stages of this proposed project. If you have questions regarding this letter, please contact Ms. Angela Trahan (337-291-3137) of this office for further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Joseph A. Ranson". The signature is fluid and cursive, with a large, stylized "R" at the end.

Joseph A. Ranson
Field Supervisor
Louisiana Ecological Services

Attachment

cc: FWS, Lafayette, LA (Attn: John Tirpak)
LDWF, Oil Spill Program, Lafayette, LA (Attn: Jon Wiebe)
LDWF, Natural Heritage Program, Baton Rouge, LA
CPRA, Baton Rouge, LA

West Indian Manatee Protection Measures

The endangered West Indian manatee (*Trichechus manatus*) is known to regularly occur in Lakes Pontchartrain and Maurepas and their associated coastal waters and streams. It also can be found less regularly in other Louisiana coastal areas, most likely while the average water temperature is warm. Based on data maintained by the Louisiana Natural Heritage Program (LNHP), over 80 percent of reported manatee sightings (1999-2011) in Louisiana have occurred from the months of June through December. Manatee occurrences in Louisiana appear to be increasing and they have been regularly reported in the Amite, Blind, Tchefuncte, and Tickfaw Rivers, and in canals within the adjacent coastal marshes of southeastern Louisiana. Manatees may also infrequently be observed in the Mississippi River and coastal areas of southwestern Louisiana. Cold weather and outbreaks of red tide may adversely affect these animals. However, human activity is the primary cause for declines in species number due to collisions with boats and barges, entrapment in flood control structures, poaching, habitat loss, and pollution.

During in-water work in areas that potentially support manatees all personnel associated with the project should be instructed about the potential presence of manatees, manatee speed zones, and the need to avoid collisions with and injury to manatees. All personnel should be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. Additionally, personnel should be instructed not to attempt to feed or otherwise interact with the animal, although passively taking pictures or video would be acceptable.

All on-site personnel are responsible for observing water-related activities for the presence of manatee(s). We recommend the following to minimize potential impacts to manatees in areas of their potential presence:

- All work, equipment, and vessel operation should cease if a manatee is spotted within a 50-foot radius (buffer zone) of the active work area. Once the manatee has left the buffer zone on its own accord (manatees must not be herded or harassed into leaving), or after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s).
- If a manatee(s) is sighted in or near the project area, all vessels associated with the project should operate at “no wake/idle” speeds within the construction area and at all times while in waters where the draft of the vessel provides less than a four-foot clearance from the bottom. Vessels should follow routes of deep water whenever possible.
- If used, siltation or turbidity barriers should be properly secured, made of material in which manatees cannot become entangled, and be monitored to avoid manatee entrapment or impeding their movement.
- Temporary signs concerning manatees should be posted prior to and during all in-water project activities and removed upon completion. Each vessel involved in construction activities should display at the vessel control station or in a prominent location, visible to

all employees operating the vessel, a temporary sign at least 8½ " X 11" reading language similar to the following: "CAUTION BOATERS: MANATEE AREA/ IDLE SPEED IS REQUIRED IN CONSTRUCTION AREA AND WHERE THERE IS LESS THAN FOUR FOOT BOTTOM CLEARANCE WHEN MANATEE IS PRESENT". A second temporary sign measuring 8½ " X 11" should be posted at a location prominently visible to all personnel engaged in water-related activities and should read language similar to the following: "CAUTION: MANATEE AREA/ EQUIPMENT MUST BE SHUTDOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF OPERATION".

- To ensure manatees are not trapped due to construction of containment or water control structures, we recommend that the project area be surveyed prior to commencement of work activities. Should manatee be observed within those areas, the contractor should immediately contact the Service's Louisiana Ecological Services Office (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821).
- Collisions with, injury to, or sightings of manatees should be immediately reported to the Service's Louisiana Ecological Services Office (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821). Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.