



United States Department of the Interior

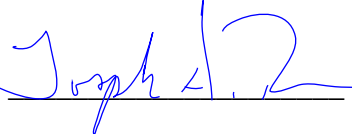
FISH AND WILDLIFE SERVICE
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June 19, 2018

Memorandum

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

From: Field Supervisor, Louisiana Ecological Services Office 

Subject: Informal Consultation for the Proposed Recreational Use Restoration Plan – Elmer’s Island Access Project in Jefferson Parish, Louisiana; Deepwater Horizon NRDAR Louisiana Trustee Implementation Group

This memorandum acknowledges our receipt of your memorandum on June 11, 2018, requesting our review of the proposed Elmer’s Island Access project that would be implemented in Jefferson Parish, Louisiana, by the Deepwater Horizon NRDAR Louisiana Trustee Implementation Group (LA TIG). The LA TIG has evaluated the Elmer’s Island Access project as a potential restoration project 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. As a result of public comments and modifications the *Draft Supplemental Restoration Plan and Environmental Assessment for the Elmer’s Island Access Project Modification*, was released for public review and comment on May 21, 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 a Biological Evaluation (BE) form addressing the potential effects, conservation measures, and justifications of the project and requested our concurrence with your determination of the Elmer’s Island Access project effects on Federally listed threatened and endangered species in Louisiana under the Service’s jurisdiction.

West Indian Manatee

The proposed project 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 Department of Wildlife and Fisheries (LDWF), 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 BE form, the proposed project is located in areas that do not provide preferred habitats for manatees. 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 LDWF, LNHP and the Service's Louisiana Ecological Services Office.

Piping Plover and Red Knot

The piping plover (*Charadrius melodus*), federally listed as a threatened species, is a small (7 inches long), pale, sand-colored shorebird that winters in coastal Louisiana and may be present for 8 to 10 months annually. Piping plovers arrive from their northern breeding grounds as early as late July and remain until late March or April. They feed on polychaete marine worms, various crustaceans, insects and their larvae, and bivalve mollusks that they peck from the top of or just beneath the sand. Piping plovers forage on intertidal beaches, mudflats, sand flats, algal flats, and wash-over passes with no or very sparse emergent vegetation. They roost in unvegetated or sparsely vegetated areas, which may have debris, detritus, or micro-topographic relief offering refuge to plovers from high winds and cold weather. They also forage and roost in wrack (i.e., seaweed or other marine vegetation) deposited on beaches. In most areas, wintering piping plovers are dependent on a mosaic of sites distributed throughout the landscape, because the suitability of a particular site for foraging or roosting is dependent on local weather and tidal conditions. Plovers move among sites as environmental conditions change, and studies have indicated that they generally remain within a 2-mile area.

On July 10, 2001, the Service designated critical habitat for wintering piping plovers (Federal Register Volume 66, No. 132); a map of the seven critical habitat units in Louisiana can be found at <http://criticalhabitat.fws.gov/crithab>. Their designated critical habitat identifies specific areas

that are essential to the conservation of the species. The primary constituent elements for piping plover wintering habitat are those habitat components that support foraging, roosting, and sheltering and the physical features necessary for maintaining the natural processes that support those habitat components. Constituent elements are found in geologically dynamic coastal areas that contain intertidal beaches and flats (between annual low tide and annual high tide), and associated dune systems and flats above annual high tide. Important components (or primary constituent elements) of intertidal flats include sand and/or mud flats with no or very sparse emergent vegetation. Adjacent unvegetated or sparsely vegetated sand, mud, or algal flats above high tide are also important, especially for roosting plovers.

Critical Habitat Unit LA-5 encompasses Elmer's Island, and designated critical habitat is specifically described as "...all of Elmer's Island peninsula where primary constituent elements occur to MLLW [mean low low water] and the Gulf shoreline from Elmer's Island to approximately 0.9 km (0.56 mi) west of Bayou Thunder Von Tranc bounded on the seaward side by MLLW and on the landward side to where densely vegetated habitat, not used by the piping plover, begins and where the constituent elements no longer occur..." (Federal Register Vol. 66, No. 132, Page 36127).

The red knot (*Calidris canutus rufa*), federally listed as a threatened species, is a medium-sized shorebird about 9 to 11 inches (23 to 28 centimeters) in length. Non-breeding plumage is dusky gray above and whitish below. The red knot breeds in the central Canadian arctic but is found in Louisiana during spring and fall migrations and the winter months (generally September through May). During migration and on their wintering grounds, red knots forage and roost along sandy beaches, tidal mudflats, salt marshes, and peat banks. Observations along the Texas coast indicate that red knots forage on beaches, oyster reefs, and exposed bay bottoms, and they roost on high sand flats, reefs, and other sites protected from high tides. In wintering and migration habitats, red knots commonly forage on bivalves, gastropods, and crustaceans. Coquina clams (*Donax variabilis*), a frequent and often important food resource for red knots, are common along many gulf beaches. Major threats to this species along the Gulf of Mexico include the loss and degradation of habitat due to erosion, shoreline stabilization, and development; disturbance by humans and pets; and predation.

Direct effects to these species as a result of construction are unlikely due to the minimal construction footprint and avoidance of construction at sandy beach areas that are optimal piping plover and red knot foraging habitats. Indirect effects of increased access and human use to beach habitats will be minimized through monitoring and management efforts, and potentially installing signage and/or limiting access to beach areas where piping plovers and red knots congregate. Continued coordination and evaluation of potential BMPs would continue during the final design phase. The proposed beach shuttle service would impact intertidal and wrack foraging areas but sensitive areas would be avoided through appropriate best management practices (BMPs). BMPs were developed in close coordination with the Service's Louisiana Ecological Services Office and LDWF, and continued coordination with the Service will occur during final design to establish additional avoidance and mitigation measures.

Based on the above information, the Service's Louisiana Ecological Services Office concurs with your determination that implementation of the proposed action may affect but is not likely to adversely affect piping plover nor red knot in Louisiana.

Piping Plover Designated Critical Habitat

The proposed project is located within designated critical habitat for piping plover (Critical Habitat Unit LA-5). According to the BE form, most of the project features to be constructed would not be located within the primary constituent elements that constitute piping plover overwintering habitat locations in Critical Habitat Unit LA-5. However, the beach shuttle service would be operated within the intertidal zone of the designated critical habitat on Elmer's Island. Direct impacts would be avoided or minimized using appropriate BMPs developed in coordination with the Service's Louisiana Ecological Services Office and LDWF. There are potential indirect and long-term impacts to critical habitat associated with increased access and human use of beach areas for recreation. These impacts would be minimized through monitoring and management efforts, and potentially installing signage and/or limiting access to beach areas where shorebirds congregate. Continued coordination with the Service will occur during final design to establish necessary avoidance and mitigation measures. Based on the above information, the Service's Louisiana Ecological Services Office concurs with your determination that implementation of the proposed action may affect but is not likely to adversely affect piping plover critical habitat in Louisiana.

The Service's Louisiana Ecological Services Office appreciates the opportunity to provide comments in the planning stages of this proposed project. No further ESA consultation for this project 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. If you have questions regarding this letter, please contact Ms. Angela Trahan (337-291-3137) of this office for further assistance.

Enclosure

Copies provided via electronic mail:

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.