United States Department of the Interior

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

July 17, 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 *Louisiana Trustee implementation Group Draft Restoration Plan/Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use*

This memorandum acknowledges our receipt of your memorandum on June 25, 2018, requesting our review of twenty-three proposed projects that the Louisiana Trustee Implementation Group (LATIG) has evaluated as potential restoration projects under the *draft LATIG Draft Restoration Plan/Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use.* That draft plan was released for public review and comment on April 20, 2018. Of the twenty-three projects a "No-Effect" determination has been made for seven projects, and a "May Affect, Not Likely to Adversely Affect" determination has been made for the remaining 16 projects.

Your office provided Biological Evaluation (BE) forms addressing the potential effects, conservation measures, and justifications for the 23 projects and requested our concurrence with your determination of project effects of the following 16 projects on Federally listed threatened and endangered species in Louisiana under the Service's jurisdiction:

- Nutrient Reduction (NR) - Winter Water Holdings on Cropland In Vermillion and Cameron Parishes
- Pass-A-Loutre Wildlife Management Area (WMA) Crevasse Access
- Rockefeller Piers and Rockefeller Signage
- WHARF Phase 1
- Pass-a-Loutre WMA Campgrounds
- Montegut S1/S2 Access/PAC Fishing Piers
- NR on Cropland and Grazing Lands in Bayou Folse
- NR on Dairy Farms in Washington Parish

- NR on Dairy Farms in St. Helena and Tangipahoa Parishes
- Middle Pearl
- Grand Isle State Park
- Cypremort Point State Park
- Chitimacha Tribe of Louisiana
- Belle Chasse
- Atchafalaya Delta WMA Campgrounds
- Atchafalaya Delta WMA Access

The information provided in the BE forms supporting your determination of project effects is incorporated by reference herein. 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.).

According to the BE forms species specific best management practices from Section 6, Appendix A in Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (DWH Trustees 2016) would be incorporated into the proposed projects as applicable. Further, consultation with the Service's Louisiana Ecological Services Office will be conducted during the design phase of the proposed projects. Based on the information provided above and in the BE forms, the Service's Louisiana Ecological Services Office concurs with your determination that implementation of the proposed actions are not likely to adversely affect threatened or endangered species, nor designated critical habitat in Louisiana.

We appreciate the opportunity to provide comments in the planning stages of this proposed projects. 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.

Literature Cited

Deepwater Horizon Natural Resource Damage Assessment Trustees (DWH Trustees). 2016. Deepwater Horizon oil spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement. Available at: http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan. Accessed December 28, 2017.

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

Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protect Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Federal Action Agency: U.S. Fish and Wildlife Service

Additional Federal Action Agency: Select Most Appropriate

Agency Contact(s)

USFWS: Ashley Mills at 812-756-2712 and Ashley_Mills@fws.gov
NMFS: Christy Fellas at 727-551-5714 and Christina.Fellas@noaa.gov

I. *Implementing Trustee(s)*: St. Charles Parish

II. *Contact Person*: Carla Chiasson

III. *Phone*: (985) 783-5165

Email: cchiasson@stcharlesgov.net

IV. *Project Name and ID# (Official name of project and ID number assigned by Trustees in DIVER)*: Des Allemands Boat Launch in St. Charles Parish

V. *NMFS Office (Choose appropriate office based on project location)*: Select Most Appropriate

USFWS Office (Choose or write in appropriate office based on project location): Louisiana Ecological Services Field Office (Lafayette)

VI. *Project Type #1*: Enhance Recreational Experiences

Project Type #2, if helpful: Enhance Public Access to Natural Resources for Recreational

VII. *TIG*: Louisiana TIG

Restoration Plan: Recreational Use

B. Project Location

I. Physical Address of action area (If applicable)

LA Highway 632
Des Allemands, Louisiana

II. *State & County/Parish of action area*

Louisiana, St. Charles Parish

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*

29.81115818284364, -90.4709821344295

IV. Township, range and section of the action area

Township 14 South, Range 20 East, Section 31

C. Existing Compliance Documentation

NEPA Documents

Are there any existing draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project? ☑ Yes ☐ No

Examples:
-USACE programmatic NEPA analysis
-USACE Clean Water Act individual permit for the project
-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.

Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Restoration Plan and Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use

Any documentation or information provided will be very helpful in moving your project forward.

Name of Person Completing this Form:	Nicole Smolensky
Name of Project Lead:	
Date Form Completed:	01/23/2018
Date Form Updated:	04/23/2018

D. Description of Action Area

Attach a separate map delineating where the action will occur and where critical habitat, if any, is located. Map or describe all areas that may be directly or indirectly affected by the action. Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). If CH is not designated in the area, then map or describe any suitable habitat in the area.

The Proposed Project is located in St. Charles Parish on undeveloped land approximately 0.85 mile south of Des Allemands, Louisiana. The Proposed Project is located in the Mississippi Alluvial Plain (73) Level III ecoregion and the Deltaic Coastal Marshes and Barrier Islands (73o) Level IV ecoregion (Daigle et al. 2006). The following information was obtained from Daigle et al. (2006) unless indicated otherwise. The Mississippi Alluvial Plain is mostly a broad, flat alluvial plain with river terraces, swales, and levees providing the main elements of relief. Elevation ranges from 0 to 15 feet above mean sea level and local relief ranges from 0 to 10 feet. Winters are mild and summers are hot with minimum/maximum temperatures of 44˚F/64˚F and 72˚F/92˚F, respectively. Mean annual precipitation ranges 64 to 66 inches. The ecoregion historically comprised bottomland deciduous forest with extensive wetlands, but much of it was cleared for cultivation. The Deltaic Coastal Marshes and Barrier Islands are dominated by brackish and saline marshes with vegetation such as saltmarsh cordgrass, marshhay cordgrass, black needlerush, and coastal saltgrass. Black mangrove occurs in a few areas, and some live oak is found along old natural levees. Soils are fine-textured and poorly drained, although there are some areas of coarser, better-drained soils. Extensive organic deposits lie mainly below sea level in permanently flooded settings, resulting in the development of mucky surfaced Histosols. Entisols may also be present. Soil series include Allemands, Kenner, Larose, Clovelly, Lafitte, Bancker, Scatlake, Timbalier, Bellpass. Sediments of silts, clays, and peats contain large amounts of methane, oil, and hydrogen sulfide gas. Inorganic sediments found within the ecoregion are soft and have high water contents (Daigle et al. 2006).

The Proposed Project action area is located within the Barataria Basin, which is approximately 1,565,000 acres (U.S. Geological Survey [USGS] 2018). Freshwater inputs to the basin are primarily rainfall because the construction of levees along the Mississippi River has prevented freshwater and sediment inputs to the basin. Previous water quality inventory reports by the Louisiana Department of Environmental Quality (LDEQ) have listed suspected sources of water quality problems as crop production, pastureland, urban runoff, septic tanks, minor industrial point sources, petroleum activities, highway and maintenance runoff, hydromodification, and dredging (LDWF 2015). Based on the FINAL 2016 Louisiana Water Quality Inventory: Integrated Report (305(b)/303(d)) (LDEQ 2016), Bayou des Allemands (subsegment LA020301_00), which includes the Proposed Project, is listed as fully supporting the designated use for secondary contact recreation, such as boating. Subsegment LA020301_00 is also listed as not supporting primary contact recreation (PCR), fish and wildlife propagation (FWP), and Outstanding Natural Resource Water (ONR). The suspected causes of impairment include non-native aquatic plants and turbidity for PCR, fecal coliform for FWP, and turbidity for ONR.

The Proposed Project immediately abuts Bayou des Allemands, which is an approximately 20-mile-long perennial freshwater stream connecting Lac des Allemands to Lake Salvador. Much of the land adjacent to the bayou is mapped as palustrine emergent wetlands with a scattered mix of palustrine forested wetlands and uplands. The majority of the uplands along the bayou have been developed for commercial, residential, or agricultural use. The Proposed Project consists of mostly maintained herbaceous uplands with mixed hardwood trees parallel to a berm just before the streambank (United States Fish and Wildlife Service [USFWS] 2017).

No critical habitat is designated within St. Charles Parish.

Designated essential fish habitat (EFH) for coastal migratory pelagic resources, red drum, reef fish, and shrimp is present within the Proposed Project (National Oceanic and Atmospheric Administration [NOAA] 2018).

See the attached map illustrating designated EFH.

a. *Waterbody*

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.

The Proposed Project abuts the northeastern bank of Bayou des Allemands, which is tangent to the Dufrene Ponds to the southeast and Petit Lac des Allemands to the south. Palustrine emergent and forested wetlands are located adjacent to the bayou (USFWS 2017). The Proposed Project is approximately 12.2 miles (by water) from Lake Salvador via the Bayou des Allemands. Please see attachment map illustrating the NWI dataset.

b. *Existing Structures*

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Currently, no structures are within the Proposed Project action area.

c. *Seagrasses & Other Marine Vegetation*

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for seagrasses and marine vegetation (Google Earth Imagery 2016) and is located outside of mapped distributions of marine submerged aquatic vegetation (SAV)(Love et al. 2013; NOAA 2018). Freshwater SAV may be present along the shallow portions of the Dufrene Ponds, but none appear in the vicinity of Proposed Project area, thus surveys for these resources are not scheduled.

d. *Mangroves*

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for mangroves (Google Earth Imagery 2016) and is located outside of mapped distributions of mangroves (Love et al. 2013; NOAA 2018). Therefore, surveys for mangroves are not scheduled for this area.

e. *Corals*

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for corals (Google Earth Imagery 2016) and is located outside of mapped distributions (Love et al. 2013; NOAA 2018). Therefore, surveys for these resources have not been conducted for this area, nor are they scheduled for this area.

f. *Uplands*

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The Proposed Project contains undeveloped and rural use pasture areas primarily composed of herbaceous uplands with a few stands of mature trees.

g. *Marine Mammals*

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

The Proposed Project action area includes riverine freshwater habitat that may be suitable for the West Indian manatee; however, suitable foraging habitat is not present in the area ((Love et al. 2013; NOAA 2018) and encounters of this species have not been recorded for this parish (LDFW 2018).

E. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

The Proposed Project is expected to take approximately 12 months, subject to approval of permits. A conceptual design has already been developed, and preliminary planning has been completed. Final engineering and design, permitting, and mitigation are anticipated to take approximately 4 months. Contracting and per-construction activities are anticipated to take approximately 2 months. Construction is anticipated to take approximately 6 months.

II. *Describe the Proposed Action: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.* *****If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.***

The Proposed Des Allemands Boat Launch Project would include construction of a new boat launch on the east bank of the Bayou Des Allemands. The new boat launch would accommodate 60 parking spaces for vehicles hitched to trailers and vehicles without trailers. In addition, the Proposed Project would include signage, lighting, fishing piers, bulkheads, and an access road from Louisiana Highway 632. For planning purposes, it is assumed that the Proposed Project would permanently impact the entire 15-acre site. Although not all vegetation is anticipated to be removed, the 15-acre site is considered the development envelope. The new launch facility would include construction of the following:

- One 2,415-foot-long × 22-foot-wide asphalt access road with adjacent drainage improvements for boat ramp traffic from Louisiana Highway 632 to the paved parking lot
- One paved parking lot with up to 60 spaces. The lot would be large enough to accommodate all of the following: 52 spaces for vehicles with a trailer and eight spaces for vehicles without trailers, two of which would be ADA compliant.
- One 242-foot-long × 24-foot-wide paved boat ramp from the paved parking lot to the four launch ramps at Bayou Des Allemands
- Four 70-foot-long × 12-foot-wide concrete boat launch ramps with an adjacent approximately 13,500-square-foot maneuvering area
- Three 70-foot-long × 8-foot-wide (560-square-foot each) wooden docks constructed of treated wood
- One 140-foot-long × 7-foot-wide fishing pier constructed of treated wood
- Approximately 385 linear feet of coated steel bulkhead
- One 375-square-foot covered pavilion
- One 250-square-foot, pre-fabricated restroom facility with associated Delta 500 sewer treatment plant
- One 300-foot-long × 5-foot-wide concrete walkway for foot traffic from the pavilion to the parking area, with one additional 350-foot-long × 5-foot-wide timber walkway over the levee to the fishing pier

The Proposed Project includes several features that would require vegetation removal, excavation, and grading. It is presumed that any vegetation removal would remain permanent, as no vegetation restoration efforts are currently anticipated post-construction. The 60-foot right-of-way width for the access road would require clearing and grubbing, general excavation and grading, installation of drainage ditches and culverts, and paving with asphalt. The parking area and 242-foot-long boat ramp from the parking area to the maneuvering area would require clearing and grubbing, general excavation, grading, and fill placement, including approximately 0.15 acre of encroachment into the waterway, for leveling and stabilization of the levee crossing prior to paving with concrete. The approximately 17,000-square-foot (0.4-acre) concrete boat ramp and maneuvering area would require removal of all riparian vegetation, dredging to provide a minimum water depth, typically 3 feet at the base of the ramps, and placement of fill to create the landing area. Concrete sidewalls covered by coated steel sheet pile would be installed along the sides of the boat ramp to prevent erosion and to provide long-term stability to the structure. Three 70-foot-long × 8-foot-wide (560 total square feet) fixed docks and a 7-foot-wide × 140-foot-long (980-square-foot) fishing pier made of pressure-treated wood would provide access to the Proposed Project from the waterside and could be used by small watercraft to tie-up (e.g., kayaks, pirogues, paddle boards). The fishing pier could also provide pedestrian access from the upland parking and pavilion areas as part of the overall water-oriented recreational enjoyment. An approximately 385-linear-foot bulkhead constructed of coated steel sheet pilings would be installed along the perimeter of the maneuvering area, ramps, and fishing pier also to prevent erosion and to provide long-term stability.

Please refer to the attachment below for the remainder of Section E.II.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *If applicable, Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*

ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*

iii. *Use of "Dock Construction Guidelines"?* http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sqft)?*

The Proposed Project action includes the construction of a boat launch, ramps, docks, and wooden fishing pier. In-water work is unavoidable due to the construction of the boat ramp (approximately 5,808 square feet; 0.13 acre), boat launch ramps (approximately 16,860 square feet; 0.39 acre), docks (approximately 1,680 square feet; 0.04 acre), fishing piers (approximately 980 square feet; 0.02 acre), bulkhead (approximately 385 linear feet), and walkway over the levee to the fishing pier (approximately 1,750 square feet; 0.04 acre) that total approximately 27,078 square feet (0.62acres) of overwater area. The fishing pier is expected to have moderate levels of localized hook and line fishing because it is publicly accessible. Best management practices (BMPs) presented in the attachment below discuss minimization and avoidance of effects to protected the species that may occur within the action area. The action area does not contain sea grass vegetation, and thus the Proposed Project actions would use standard construction methods for the proposed actions discussed above.

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

Coated steel sheet piling and timber decking is regularly used to construct piers, docks, buildings, walkways, and decks in and above aquatic environments. Pressure-treated wood products are manufactured and installed in a manner that minimizes any potential for adverse impacts to aquatic environments. The piles would typically be driven using a hammer pile (vibratory hammers are not typically used on timber piles) with standard equipment (crane, boom, set of leads, pile hammer, helmet, pile gate, and pile monkey). The crane and associated equipment can be staged either onshore or on a barge in the waterway.

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

No marinas or boat slips are proposed.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

The Proposed Project would include one 242-foot-long × 24-foot-wide paved boat ramp from the paved parking lot to the four 70-foot-long x 12-foot-wide public boat launch ramps at Bayou Des Allemands, and one 2-acre paved parking lot with up to 68 spaces (31 initially in Phase 1 and 37 additionally, as budget allows for Phase 2). Sixty spaces would be large enough to accommodate a vehicle with a trailer, and eight spaces would accommodate vehicles without trailers, two of which would be ADA compliant.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

No shoreline armoring is proposed.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles then describe the methods here.*

The approximately 17,000-square-foot (0.4-acre) concrete boat ramp and maneuvering area would require dredging to provide a minimum water depth, typically 3 feet at the base of the ramps. Installation of the timber pilings for the fishing pier as well as the coated steel bulkhead would also disturb bottom sediments. The fishing pier would require driving piles into the sand bottom by at least 15 feet, with pairs spaced 15 feet apart. Approximately 40-foot-long timber pilings (or equivalent), which are typically impact hammer driven, would be placed into the substrate within open water. The bulkheads would be constructed of coated steel pilings with tie backs embedded at a minimum of 20 feet deep. The project detail map does not show a staging area for this. Construction phasing will occur in such a way as to use the upland portion of the project area for sediment stockpiling. St. Charles Parish may also opt to haul removed sediment off-site, as needed.

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

No blasting would be necessary or allowed during construction.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

No artificial reefs are present (LDWF 2013) nor proposed for the Proposed Project.

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

The Proposed Project is intended to enhance recreational activities within the Proposed Project action area, which includes the construction of a fishing pier and docks anticipated to enhance shore-base fishing opportunities that may result in additional hook and line gear in the Proposed Project action area. The fishing pier is expected to have moderate levels of localized fishing using hook and line gear because it would be a new publicly accessible pier.

F. NOAA Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
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Select One		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

G. USFWS Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under USFWS jurisdiction, visit http://www.fws.gov/endangered/species/.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
West Indian manatee		Select One	No Effect
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
		Select One	Select Most Appropriate
		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

H. Effects of the proposed project to the species and habitats

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

The Proposed Project is anticipated to have No Effect on the West Indian manatee. This is based on the assumption that this species would not occur in the Proposed Project action area because of lack of suitable habitat for the species and current known distribution (NatureServe 2016). The West Indian manatee occurs in warm shallow estuarine waters adjacent to a freshwater source and with seagrass or other submerged or emergent vegetation for forage. Sightings of manatees in Louisiana riverine habitats are rare and likely occur in areas where submerged or emergent aquatic vegetation is available for forage (LDWF 2018). The action area lacks submerged or aquatic vegetation; therefore, this species is unlikely to occur in the vicinity of the Proposed Project. The Proposed Project is not anticipated to yield direct or indirect impacts to this species at broader spatial and temporal scales within and beyond the action area due to the localized and temporary nature of the proposed activities and the existing infrastructure surrounding the Proposed Project.

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

The Proposed Project action area is located outside designated critical habitat; therefore, No Effects to critical habitat would occur.

I. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Species-specific BMPs from the Final PDARP/PEIS (DWH Trustees 2016:Section 6, Appendix A) that would be incorporated into the Proposed Project are included as an attachment.

Additionally, all individuals (such as construction workers) working on the Proposed Project would be provided with information on general awareness of any federally protected species that have the potential to occur in the Proposed Project action area. Seasonal avoidance measures would be implemented when practicable. If work must be conducted when these species are present, certain activities may be restricted or modified to reduce disturbance of these species (see attached BMPs).

Indirect effects of increased access and human use to West Indian manatee and Gulf sturgeon habitats would likely be minimized by LDWF monitoring and management, and potentially installing signage and/or limiting access to areas where protected species are expected to congregate. Continued coordination and evaluation of potential BMPs would continue during the final design phase.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Designated critical habitat is not present within the Proposed Project. Therefore, no impacts to critical habitat would occur as a result of the proposed construction of recreational features and no additional conservation measures are proposed other than the construction BMPs listed in the attachment below.

J. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☑ NO ☐ YES

Is your activity likely to impact the quality (e.g., salinity, temperature) of marine or estuarine waters? ✓ NO ☐ YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	e) *Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*f) Aquaculture*
☐	☐	*g) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☐	☐	*h) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*i) Fresh-water river diversions*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

The Proposed Project is not located in marine or estuarine waters.

IV. Are any measures planned to mitigate potential impacts to marine mammals? If yes, provide text in box below. NO ☐ YES ☑

Specific BMPs for the West Indian manatee are presented in the attachment.

K. Bald Eagles

Are bald eagles present in the action area? ☐ NO ☑ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/ courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☑ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

L. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species are present and impacts to individuals or habitat could occur, identify avoidance and minimization measures to prevent incidental take.
Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

I.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
American Golden-Plover	non breeder	The Proposed Project area is located within a region that includes the following birds of conservation concern (USFWS 2018). During the Proposed Project design phase, coordination with the USFWS and the state trust resource agency would occur to site and design Proposed Project features to avoid or minimize impacts to migratory bird nesting habitats or important feeding and loafing areas. If vegetation clearing is required, it would take place outside of the migratory bird nesting season (approximately mid-February through mid-September) or a qualified biologist would inspect for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nestlings successfully fledge. If Proposed Project activities must occur during this time-frame and breeding, nesting, and fledging birds are present, the state trust resource agency would be contracted to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations would be implemented.
Bald Eagle	breeder	
Black Skimmer	breeder	
Bonaparte's Gull	non breeder	
Brown Pelican	breeder	
Buff-Breasted Sandpiper	non breeder	
Common Loon	non breeder	
Double-Crested Cormorant	breeder	
Gull-Billed Tern	breeder	
Herring Gull	breeder	
Kentucky Warbler	breeder	
King Rail	breeder	
Le Conte's Sparrow	non breeder	
Least Tern	breeder	
Lesser Yellowlegs	non breeder	
Magnificent Frigatebird	non breeder	
Marbled Godwit	non breeder	
Nelson's Sparrow	non breeder	
Prothonotary Warbler	breeder	
Red-Breasted Merganser	non breeder breeder	
Reddish Egret	non breeder	
Ring-Billed Gull	breeder	
Royal Tern	non breeder	
Rusty Black Bird	breeder	
Swallow-Tailed Kite	breeder	
Willet	breeder	

M. Migratory Birds

Continuation page if needed.

II.	SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS

N. Best Practices

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.
http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf
Use the box below to indicate which pratices you'll be using in your project.

PDARP/PEIS best practices that would be incorporated into the Proposed Project are attached.

O. Submitting the BE Form

NMFS ESA § 7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Christina.Fellas@noaa.gov**

Questions about consultation status may be directed to the email address above or by phone: Christy Fellas: 727-551-5714

USFWS ESA § 7 Consultation

We request that all consultation requests/packages to USFWS be submitted electronically to: **Ashley_Mills@fws.gov**.

You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation.

Questions about consultation status may be directed to the email address above or by phone: Ashley Mills: 812-756-2712

Endangered Species Act Programmatic Biological Opinion

Deepwater Horizon Oil Spill Restoration

National Marine Fisheries Service

Complete this section **only** if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016. To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. By checking all boxes below that apply to this project you are confirming that PDCs are incorporated into the project design and construction. The entire Biological Evaluation Form must be completed and include any information necessary to verify that all applicable PDCs are incorporated into the project. If the project incorporates more than one type of restoration, check boxes in all appropriate categories.

Are you using this form to request approval for use of NMFS PDCs for this project? ○ Yes ◉ No

You must receive NMFS approval before proceeding with your project. Note that this PDC checklist does not apply to ESA consultation with USFWS.

Full text of the PDCs can be reviewed at: http://sero.nmfs.noaa.gov/protected_resources/section_7/freq_biop/documents/DWH_bo/appendix_a.pdf

Oyster Reef Creation and Enhancement ○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the oyster reef creation and enhancement PDCs 1.a-1.e.
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.c)
- ☐ In Gulf sturgeon critical habitat, oyster reef creation and enhancement occurs only on existing shell substrata or relic reef locations (PDC 2.d)
- ☐ Cultch material is free of debris and contaminants (PDC 2.e)
- ☐ Fresh shell has been properly aged or quarantined before being deployed (PDC 2.f)
- ☐ Cultch material is placed in a manner to minimize disturbance of sediment (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Plan/drawings for intermittent breaks between oyster reef segment has been provided (2.i)
- ☐ Spill prevention and response plan has been developed (2.j)
- ☐ Design and materials used avoid entanglement and entrapment risks for ESA-listed species (2.k)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marine Debris Removal ○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the marine debris removal PDCs 1.a-1.c
- ☐ All on-water operations shall take place during daylight hours (PDC 2.a)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.b)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.c)
- ☐ Project personnel have been notified of procedures if approached by a marine mammal or sea turtle (PDC 2.d)
- ☐ Trash and debris will be disposed of at an upland location (PDCs 2.e)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Living Shorelines

○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the living shoreline PDCs 1.a-1.h
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ All in-water work activities will conducted during daylight hours (PDC 2.b)
- ☐ Piles for navigation of public safety purposes are less than 24" diameter and non-metal if impact hammer used (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.i)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marsh Creation and Enhancement

○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the marsh creation PDCs 1.a-1.f
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ All in-water work activities will be conducted during daylight hours (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (PDC 2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDCs 2.h)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Non-Fishing Piers

○ Yes ◉ No

- ☐ This project is designed to avoid locations listed in the non-fishing piers PDCs 1.a
- ☐ Spill prevention and response plan has been developed (PDC 2.a)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.b)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.c)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.d)
- ☐ Follow Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat (PDC 2.e)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.f)
- ☐ Follows methods and timing for pile driving (2.g)
- ☐ Follows construction sequencing and avoids propwashing (PDC 2.h)
- ☐ Water depth will not be altered (PDC 2.i)
- ☐ Lighting specifications are incorporated for piers on or adjacent to sea turtle nesting beaches (PDC 2.j)
- ☐ Follows educational and fishing signage requirements (PDC 2.k)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.l)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Check the box to confirm that all applicable requirements are met and a streamlined consultation with NMFS is requested: ☐

Name of person(s) completing this form:

Date form completed:

*You must receive NMFS approval before proceeding with your project *

BIOLOGICAL EVALUATIONS FORM ATTACHMENTS

BIOLOGICAL EVALUATION FORM CONTINUATION SHEET

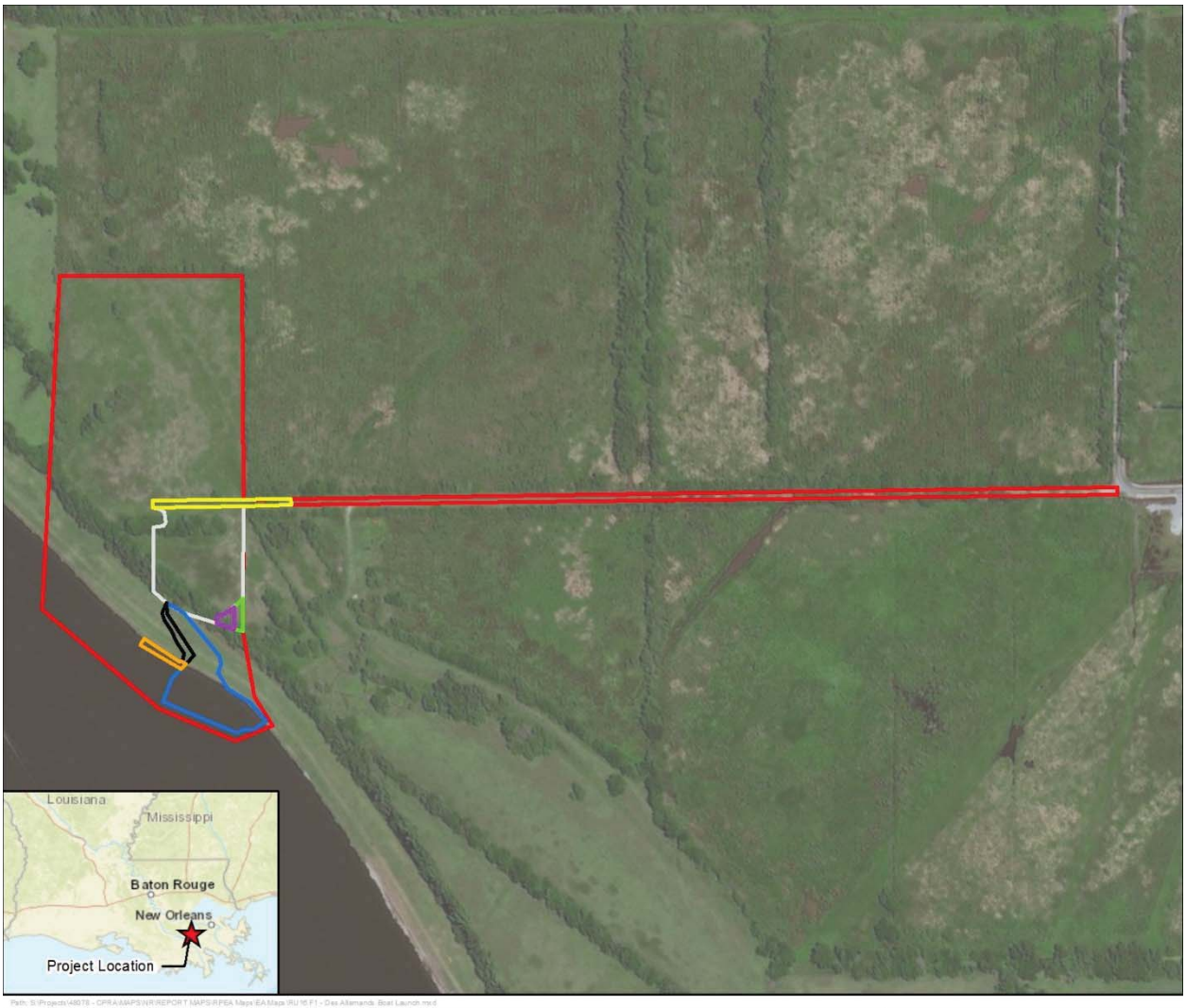
Section E.II. Describe the Proposed Action (continued)

The fishing pier would be installed along the waterfront for a distance of approximately 95 feet, and then turn 90 degrees south to extend an additional 45 feet to the northern most dock. All riparian vegetation along the riparian bank would be removed. Coated steel sheet piling and timber decking is regularly used to construct piers, docks, buildings, walkways, and decks in and above aquatic environments. Pressure-treated wood products are manufactured and installed in a manner that minimizes any potential for adverse impacts to aquatic environments. The piles would typically be driven using an impact hammer pile (vibratory hammers are not typically used on timber piles) with standard equipment (e.g., crane, boom, set of leads, pile hammer, helmet, pile gate, and pile monkey). The crane and associated equipment can be staged either onshore or on a barge in the waterway. Sediment from construction digging will either be stockpiled in upland portions of the project site or hauled off-site, as needed.

Other materials used for the parking lot, access roads, and footpaths would include stone base course, aggregate surface course, geotextile fabric (laid underneath proposed aggregate and stone-based surfaces), concrete wheel stoppers and pavilion materials (timber, roofing, etc.), and lighting in the parking lot area.

The NRCS Soil Survey for St. Charles Parish, Louisiana (U.S. Department of Agriculture [USDA] 2018) identifies one soil map unit where construction would occur within the Proposed Project area: Harahan clay, 0 to 1 percent slopes (Ha). This substrate is composed primarily of clay and sand and exhibits poor drainage.

Please see the attached map of the Proposed Project.



DES ALLEMANDS BOAT LAUNCH

PROJECT DETAIL MAP
ST CHARLES PARISH, LOUISIANA

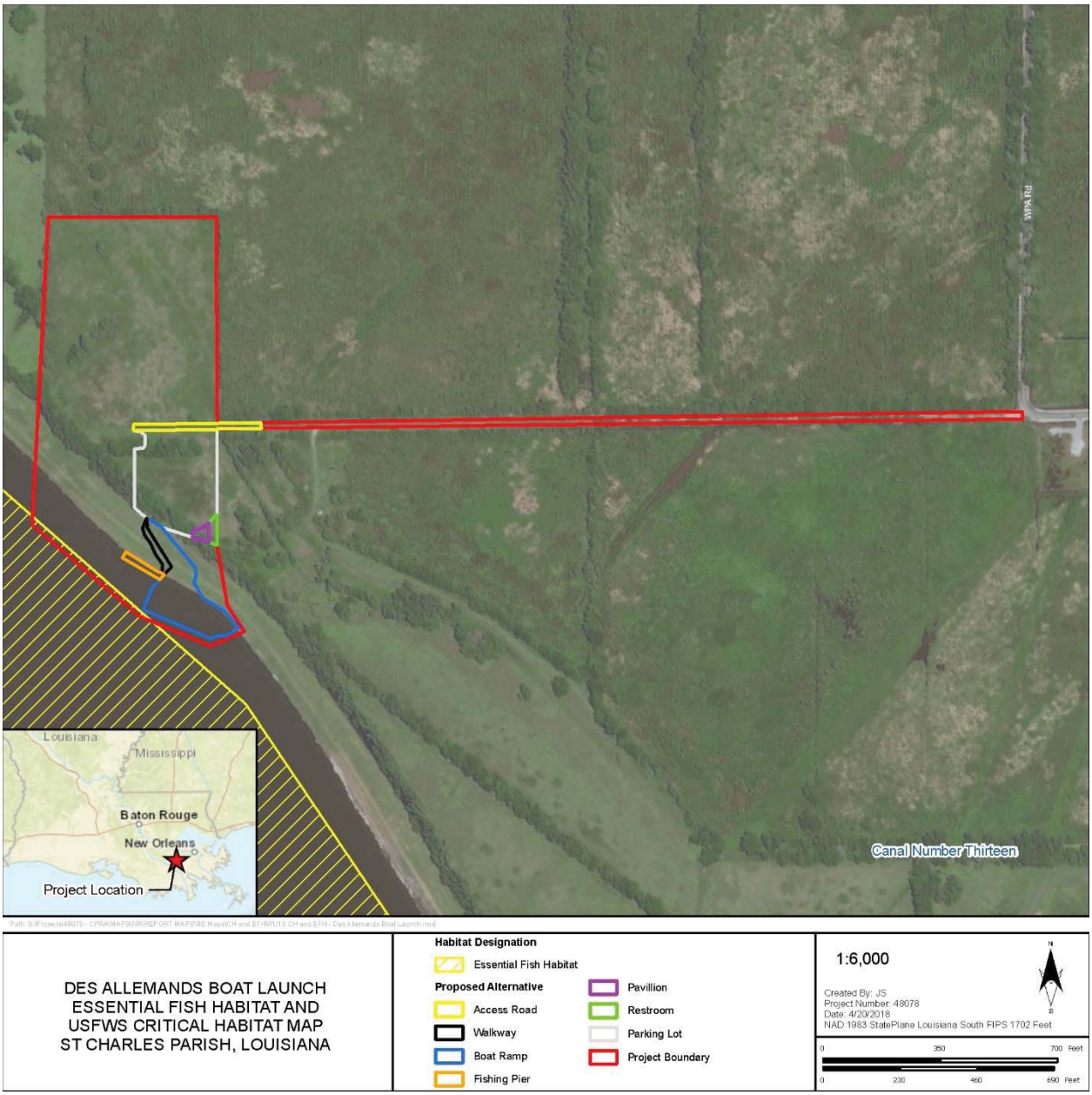
Proposed Alternative

- Access Road
- Walkway
- Boat Ramp
- Fishing Pier
- Pavillion
- Restroom
- Parking Lot
- Project Boundary

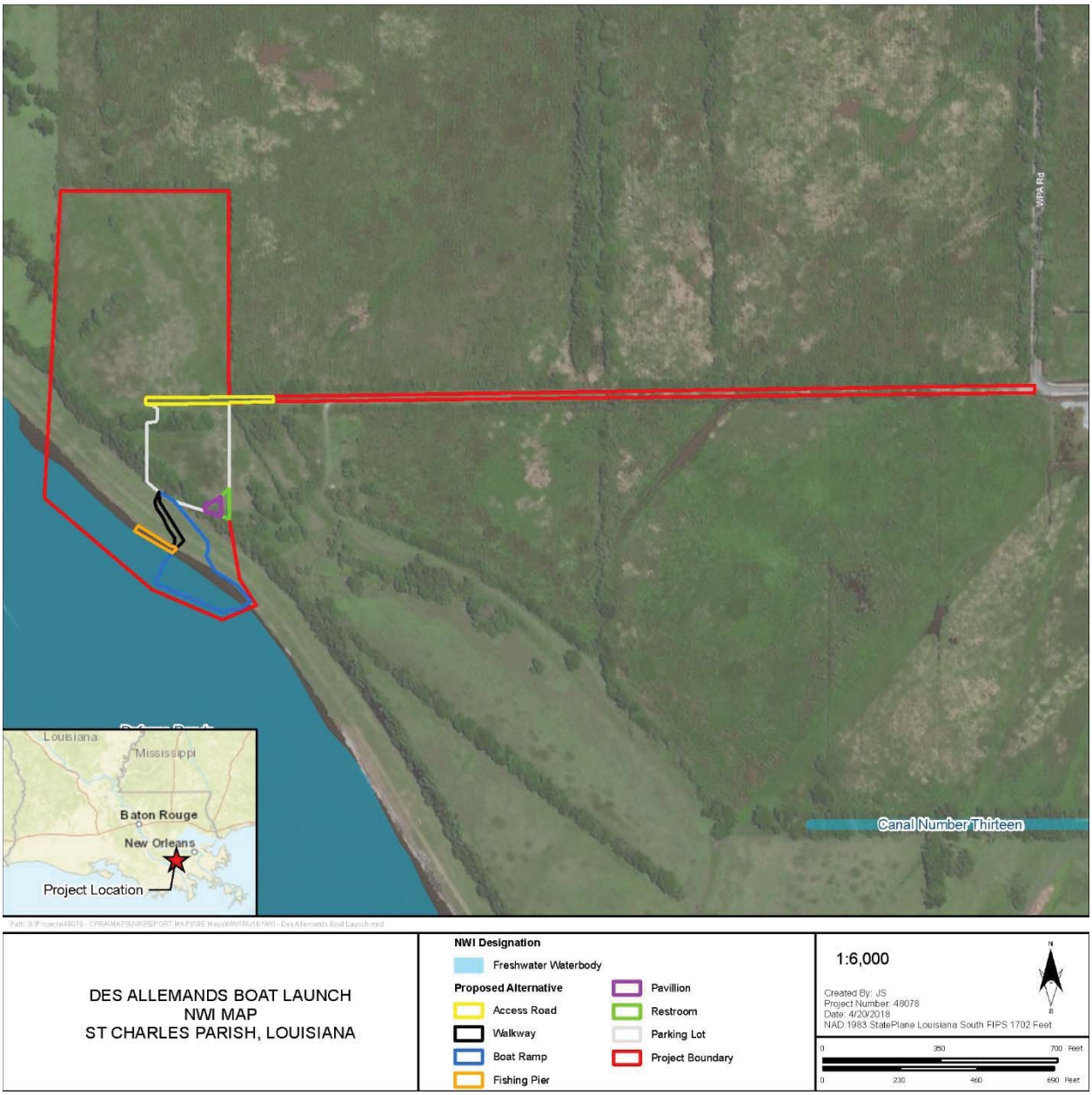
1:6,000

Created By: JS
Project Number: 48078
Date: 3/19/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 350 700 Feet
0 230 460 690 Feet



Essential Fish Habitat GIS data was obtained from NOAA and therefore is the best information available. However, due to the zoom extent depicted in the map figure, there may be data quality issues as outlined on NOAA's website as to the spatial representation and/or resolution of the Essential Fish Habitat data layer (NOAA, n.d.).



DES ALLEMANDS BOAT LAUNCH
NWI MAP
ST CHARLES PARISH, LOUISIANA

NWI Designation
Freshwater Waterbody

Proposed Alternative
Access Road
Walkway
Boat Ramp
Fishing Pier
Pavillion
Restroom
Parking Lot
Project Boundary

1:6,000

Created By: JS
Project Number: 48078
Date: 4/20/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 350 700 Feet
0 230 460 690 Feet

BEST PRACTICES FROM THE PDARP/PEIS

The following section is a direct excerpt from Section 6, Appendix A in Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (DWH Trustees 2016)

Birds

Bald Eagles

If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, have all activities avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is no line of sight to the nest, then the minimum avoidance distance is 330 feet. Maintain this avoidance distance from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).

If a similar activity (such as driving on a roadway) is closer than 660 feet to a nest, maintain a distance buffer as close to the nest as the existing tolerated activity. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then maintain a distance buffer as close to the nest as the existing tolerated activity.

In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, stop the activity and move all individuals and equipment away until the eagles are no longer displaying disturbance behaviors. Contact the USFWS's Migratory Bird Permit Office to determine how to avoid impacts or if a permit may be needed.

Migratory Birds

Use care to avoid birds when operating machinery or vehicles near birds.

During the project design phase, coordinate with the USFWS and the state trust resource agency to site and design projects to avoid or minimize impacts to migratory bird nesting habitats or important feeding/loafing areas.

Avoid working in migratory bird nesting habitats during breeding, nesting, and fledging (approximately mid-February through late August). If project activities must occur during this timeframe and breeding, nesting, or fledging birds are present, contact the state trust resource agency to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations will be implemented.

Conservation areas may already be marked to protect bird nesting areas. Stay out of existing marked areas.

If vegetation clearing is necessary, clear vegetation outside the migratory bird nesting season (approximately mid-February through late August) or have a qualified biologist inspect for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nest successfully fledges.

Avoid driving over the natural organic material ("wrack") line or areas of dense seaweed, as these habitats may contain hatchlings and chicks that are difficult to see.

Install pointy, white piling caps on exposed pilings to prevent bird roosting on piers, docks, and marinas.

Invasive Species

Develop and implement a Hazard Analysis and Critical Control Points (HACCP) plan to prevent and control invasive species. Use (ASTM E2590−08) or other version of HACCP or other similar planning tool.

Implement an Integrated Pest Management (IPM) approach to facility design, sanitation, and maintenance to prevent and control invasive and pest species.

Inspect sites, staging, and buffer areas for common invasive species prior to the onset of work. Map any invasive species detected and note qualitative or quantitative measures regarding abundance.

Implement a control plan, if necessary, to ensure these species do not increase in distribution or abundance at a site due to project implementation. Inspect sites periodically to identify and control new colonies/individuals of an invasive species not previously observed prior to construction.

Prior to bringing any equipment (including personal gear, machinery, vehicles, or vessels) to the work site, inspect each item for mud or soil, seeds, and vegetation. If present, clean the equipment, vehicles, or personal gear until they are free from mud, soil, seeds, and vegetation. Inspect the equipment, vehicles, and personal gear each time they are being prepared to go to a site or prior to transferring between sites to avoid spreading exotic, nuisance species.

Place and maintain predator-proof waste receptacles in strategic locations during project implementation to prevent an increase in predator abundance. For projects designed to enhance or increase visitor use, maintain predator-proof waste receptacles for the life of the project.

Have the appropriate state agency inspect any equipment or construction materials for invasive species prior to use.

Inspect and certify propagated or transplanted vegetation as pest and disease free prior to planting in restoration project areas.

GENERAL CONSTRUCTION MEASURES

Guidelines

Bubble Curtain Specifications for Pile Driving, as contained in the Florida Statewide Programmatic Opinion on page 270.

Piling Installation

Push pilings into soft, bottom substrate to reduce noise from installation; do not drive and hammer pilings into bottom substrate unless necessary for proper construction.

Protected Species

Provide all individuals working on a project with information in support of general awareness of and means to avoid impacts to protected species and their habitats present at the specific project site.

Survey for other at-risk or imperiled species. If found on site, contact the USFWS and state trust resource agency to determine if avoidance or minimization measures or a Candidate Conservation Agreement with Assurances may be appropriate.

Site Maintenance and Conduct

Use the nearest, existing staging, access and egress areas, travel corridors, pathways, and roadways (including those provided by the state, local governments, land managers, trustee, or private property owner, with proper permissions) and do not create new staging areas, access (except dune walkovers) or egress, or travel corridors through dune habitats.

Limit driving on the beach for construction to the minimum necessary within the designated travel corridor–established just above or just below the primary “wrack” line. Avoid driving on the upper beach whenever possible, and never drive over any dunes or beach vegetation. Check with the USFWS and state trust resource agency for additional specific beach driving recommendations in Florida and Alabama.

Minimize construction noise to the maximum extent practicable when working near protected species and their habitats.

Maintain or improve all lighting regimes. Methods include working during daylight hours only, prohibiting lighting on dune walkovers, and using wildlife-friendly lighting where lighting is necessary for human safety.

Post signs at kiosks, ramps, and piers to provide visitors with information to avoid and minimize impacts to protected species and their habitats while recreating. Develop signs in coordination with NMFS, USFWS, and the local state trust resource agency.

Supply and maintain containers for waste fishing gear to avoid fish and wildlife entanglement.

Land and Vegetation Protection

Develop and implement an erosion control plan to minimize erosion during and after construction and where possible use vegetative buffers (100 feet or greater), revegetate with native species or annual grasses, and conduct work during dry seasons.

Develop and implement a spill prevention and response plan, including conducting daily inspections of all construction and related equipment to ensure there are no leaks of antifreeze, hydraulic fluid, or other substances and cleaning and sealing all equipment that would be used in the water to rid it of chemical residue. Develop a contract stipulation to disallow use of any leaking equipment or vehicles.

Prohibit use of hazardous materials, such as lead paint, creosote, pentachlorophenol, and other wood preservatives during construction in, over or adjacent to, sensitive sites during construction and routine maintenance.

Where landscaping is necessary or desired, use native plants from local sources. If non-native species must be used, ensure they are noninvasive and use them in container plantings.

Wetland and Aquatic Resource Protection

Complete an engineering design and post-construction inspection for projects where geomorphic elevations are restored in wetlands, marshes, and shallow water habitats to ensure the success of the restoration project. Manage elevation of fill material to ensure projected consolidation rates are accomplished and that habitat suitable for wetland and marsh vegetation is developed.

Avoid and minimize, to the maximum extent practicable, placement of dredged or fill material in wetlands and other aquatic resources.

Design construction equipment corridors to avoid and minimize impacts to wetlands and other aquatic resources to the maximum extent practicable.

To the maximum extent possible, implement the placement of sediment to minimize impacts to existing vegetation or burrowing organisms.

Apply herbicide in accordance with the direction and guidance provided on the appropriate U.S. Environmental Protection Agency (EPA) labels and state statutes during land-based activities.

When local conditions indicate the likely presence of contaminated soils and sediments, test soil samples for contaminant levels and take precautions to avoid disturbance of, or provide for proper disposal of, contaminated soils and sediments. Evaluate methods prior to dredging to reduce the potential for impacts from turbidity or tarballs.

Perform maintenance of generators, cranes, and any other stationary equipment operated within 150 feet of any natural or wetland area, as necessary, to prevent leaks and spills from entering the water.

Designate a vehicle staging area removed from any natural surface water resource or wetland to perform fueling, maintenance, and storage of construction vehicles and equipment. Inspect vehicles and

equipment daily prior to leaving the storage area to ensure that no petroleum or oil products are leaking.

Upon completion of construction activities, restore all disturbed areas as necessary to allow habitat functions to return. Create and manage public access developments to enhance recreational experience and educational awareness to minimize effects to habitat within wetland and shallow water areas and to the long-term health of related biological communities.

Use silt fencing where appropriate to reduce increased turbidity and siltation in the project vicinity. This would apply to both on land and in water work.

Make all efforts to reduce the peak sound level and exposure levels of fish to reduce the potential impact of sound on fish present in the project areas.

Use a vibratory hammer whenever possible to reduce peak sound pressure levels in the aquatic environment.

Use sound attenuation devices where practicable for pulse noise (impact hammers) to reduce peak sound pressure levels in the aquatic environment.

Stipulate the timing of activities to avoid impacts to spawning fish and eggs/larvae.

Use best practices to reduce turbidity, such as turbidity blankets, to reduce the potential impact of turbidity on finfish.

Screen water withdrawal pipes to minimize potential entrainment of fish from the withdrawal area. Have project proponents coordinate with NMFS to create an intake screen that would minimize potential impingement of fish.

FUTURE BEST PRACTICES

Best Practices for EFH Under MSFCMA

At time of publication, practices to avoid and minimize effects to EFH were under development. Please check the following webpage for EFH best practices that may be developed: http://sero.nmfs.noaa.gov/habitat_conservation/documents/sero_hazmat_efh_consultation_bmps_ver201612.pdf

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Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protect Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Federal Action Agency: U.S. Fish and Wildlife Service

Additional Federal Action Agency: National Marine Fisheries Service

Agency Contact(s)

USFWS: Ashley Mills at 812-756-2712 and Ashley_Mills@fws.gov
NMFS: Christy Fellas at 727-551-5714 and Christina.Fellas@noaa.gov

I. *Implementing Trustee(s)*: St. Mary Parish

II. *Contact Person*: Bo LaGrange

III. *Phone*: (337) 828-4100

Email: hlagrange@stmaryparishla.gov

IV. *Project Name and ID# (Official name of project and ID number assigned by Trustees in DIVER)*: Improvements to Grand Avoille Boat Launch in St. Mary Parish

V. *NMFS Office (Choose appropriate office based on project location)*: NMFS Southeast Regional Office

USFWS Office (Choose or write in appropriate office based on project location): Louisiana Ecological Services Field Office (Lafayette)

VI. *Project Type #1*: Enhance Recreational Experiences

Project Type #2, if helpful: Enhance Public Access to Natural Resources for Recreational

VII. *TIG*: Louisiana TIG

Restoration Plan:

B. Project Location

I. Physical Address of action area (If applicable): N/A

II. *State & County/Parish of action area*: Louisiana, St. Mary Parish

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*: 29.922722, -91.545427

IV. Township, range and section of the action area: Township 13 South, Range 09 East, Section 09

C. Existing Compliance Documentation

NEPA Documents

Are there any existing draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project? ☑ Yes ☐ No

Examples:
-USACE programmatic NEPA analysis
-USACE Clean Water Act individual permit for the project
-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.

Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Restoration Plan and Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use

Any documentation or information provided will be very helpful in moving your project forward.

Name of Person Completing this Form:	Nicole Smolensky
Name of Project Lead:	
Date Form Completed:	01/23/2018
Date Form Updated:	04/23/2018

D. Description of Action Area

Attach a separate map delineating where the action will occur and where critical habitat, if any, is located. Map or describe all areas that may be directly or indirectly affected by the action. Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). If CH is not designated in the area, then map or describe any suitable habitat in the area.

The Proposed Project is located in St. Mary Parish approximately 3 miles northwest of Charenton, Louisiana. The Proposed Project is located in the Mississippi Alluvial Plain (73) Level III ecoregion and the Inland Swamps (73n) Level IV ecoregion (Daigle et al. 2006). The following information was obtained from Daigle et al. 2006 unless indicated otherwise. The Mississippi Alluvial Plain is mostly a broad, flat alluvial plain with river terraces, swales, and levees providing the main elements of relief. Elevation ranges from 5 to 35 feet above mean sea level and local relief ranges from 0 to 10 feet. Winters are mild and summers are hot with minimum/maximum temperatures of 40˚F/64˚F and 72˚F/92˚F, respectively. Mean annual precipitation ranges from 60 to 64 inches. The ecoregion historically comprised bottomland deciduous forest with extensive wetlands, but much of it was cleared for cultivation. The Inland Swamps are a transitional area between freshwater habitats toward the northwest and the brackish to saline waters of the deltaic marshes toward the southeast. Swamp forest communities are dominated by bald cypress and water tupelo, which are generally intolerant of brackish water except for short periods. The vegetative community typically found in areas of less frequent flooding, such as the Proposed Project action area, typically include overcup oak, water hickory, sweetgum, live oak, Spanish moss, grasses sedges, and/or rushes. Soils are mostly poorly or very poorly drained, clayey Entisols and Vertisols. Deposits include organic clays and peats up to 20 feet thick, and inter-bedded fresh- and brackish-water carbonaceous clays (Daigle et al. 2006).

The Proposed Project is located in Atchafalaya-Vermillion Basin, St. Mary Parish. The entire basin is approximately 3,981,346 acres (U.S. Geological Survey [USGS] 2018). Impoundments caused by canals and spoil banks have added to the increase in tidal energy within the basin. This causes some areas to become isolated from sediment input, whereas water exchange removes more sediments than are introduced in other areas. Inadvertent impoundment also causes some areas to flood excessively. Previous water quality inventory reports by the Louisiana Department of Environmental Quality (LDEQ) list suspected sources of water quality problems as crop production, aquaculture, urban runoff, petroleum activities, hydromodification, surface mining, construction, and dredging (Louisiana Department of Wildlife and Fisheries [LDWF] 2015). The Charenton Drainage and Navigation Canal, which includes the Proposed Project, is not listed as an impaired water body based on the FINAL 2016 Louisiana Water Quality Inventory: Integrated Report (305(b)/303(d)) (LDEQ 2016).

The Proposed Project immediately abuts the Charenton Drainage and Navigation Canal, which is an approximately 4-mile-long perennial freshwater stream connecting Lake Fausse Pointe to Bayou Teche. Much of the land adjacent to the canal is mapped as palustrine forested wetlands along the southeast bank and herbaceous and forested uplands along the northeastern bank (U.S. Fish and Wildlife Service [USFWS] 2017). The uplands area along the canal has been developed into a roadway called West Atchafalaya Basin Spillway Levee Road and Atchafalaya Levee. The Proposed Project consists of mostly herbaceous uplands with scattered trees and shrubs parallel to streambank.

Although there is designated critical habitat (LA-2) for piping plover within St. Mary Parish, it is located approximately 35 miles southeast of the Proposed Project. There is no designated critical habitat within the Proposed Project action area.

Designated essential fish habitat (EFH) for coastal migratory pelagic resources, red drum, reef fish, and shrimp is present within the Proposed Project (NOAA 2018). See the attachment map illustrating designated EFH.

a. *Waterbody*

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.

The Proposed Project is located in the Charenton Drainage and Navigation Canal on the Atchafalaya Levee. The Grand Avoille Cove abuts the Charenton Drainage and Navigation Canal to the west. The Proposed Project is approximately 14.5 miles (by water) from West Cote Blanche Bay via the Charenton Drainage and the Navigation Canal. The Proposed Project is located on existing developed uplands and the abutting Charenton Drainage, no additional wetlands are present. Please see attachment map illustrating the NWI dataset (U.S. Fish and Wildlife Service [USFWS] 2017).

b. *Existing Structures*

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

Currently, a deteriorating boat dock and 13,856-square-foot parking lot exist within the Proposed Project.

c. *Seagrasses & Other Marine Vegetation*

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

The Proposed Project action area is located within freshwater systems that lack suitable environments for seagrass and other marine vegetation (Google Earth Imagery 2016) and is located outside of mapped distributions of submerged aquatic vegetation (Love et al. 2013; NOAA 2018). Therefore, surveys for seagrass and other marine vegetation are not scheduled for the Proposed Project.

d. *Mangroves*

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for mangroves (Google Earth Imagery 2016) and is located outside of mapped distributions of mangroves (Love et al. 2013; NOAA 2018). Therefore, surveys for mangroves are not scheduled for the Proposed Project.

e. *Corals*

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for corals (Google Earth Imagery 2016) and is located outside of mapped distributions (Love et al. 2013; NOAA 2018). Therefore, surveys for these resources have not been conducted for this area, nor are they scheduled for the Proposed Project.

f. *Uplands*

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The Proposed Project contains forested and maintained herbaceous uplands.

g. *Marine Mammals*

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

The West Indian manatee has the potential to occur within the general area of the Proposed Project. The Proposed Project action area occurs within freshwater riverine systems that might contain suitable habitats; however, available data indicate no suitable submerged aquatic vegetation exists within the vicinity (Love et al. 2013; NOAA 2018) and no occurrences have been recorded in this area (LDWF 2018).

E. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

The Proposed Project is expected to take approximately 12 months for final design and engineer, permitting, contracting, and construction. A conceptual design has already been developed. Preliminary planning and project commencement activities are anticipated to take approximately 3 months. Engineering and design are anticipated to take approximately 5 months. Schedule information continued in the attachment.

II. *Describe the Proposed Action: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.* *****If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.***

The new launch facility would include construction of the following:

• One approximately 190 × 90–foot parking lot with enough room to accommodate up to 20 vehicles with a trailer. The existing 13,856-square-foot parking lot would be topped with 8-inches of compacted limestone.
• One 45 × 30–foot aggregate-covered access road for boat ramp traffic from the West Atchafalaya Basin Spillway Levee Road to the parking lot
• One 20 × 31–foot concrete boat ramp from the parking lot to the boat launch ramp
• One 20 × 25–foot boat launch ramp to the Charenton Drainage and Navigation Canal.
• Two 24 × 8–foot wooden docks constructed of treated wood. Six timber piles would be installed per dock.

The Proposed Project would include several features that would require excavation and grading. The access road would be surfaced with up to 8 inches of aggregate; the parking area would be surface with 6 to 8 inches of compacted limestone. Minor grading of the existing shell/limestone access and parking area would be necessary to improve drainage and prepare the site. The 1,120-square-foot concrete boat launch and ramp would have concrete sidewalls covered along the sides of the boat ramp to prevent erosion and to provide long-term stability, typically by vinyl sheet pile. In-water work would consist of the removal of broken concrete and riprap, with minor grading to accommodate the new ramp; no riparian vegetation would require removal.

Two timber mooring docks are proposed along each side of the boat ramp. The 8 × 24–foot docks (192-square-foot area per dock) would be secured to the river bottom using timber piles. Six treated timber piles driven into the substrate would be necessary to support each dock. Timber piling is typically used to construct piers, docks buildings, walkways, and decks in and above-aquatic environments. Pressure-treated wood products are manufactured and installed in a manner that minimizes any potential for adverse impacts to aquatic environments. The piles would be driven using a hammer pile (vibratory hammers are not typically used on timber piles) with standard equipment (crane, boom, set of leads, pile hammer, helmet, pile gate, and pile monkey). The crane and associated equipment can be staged either onshore or on a barge in the waterway.

The NRCS Soil Survey for St. Mary Parish, Louisiana (U.S. Department of Agriculture [USDA] 2018) identifies two soil map units within the Proposed Project area. The expected soil varieties are low to moderately-sloped substrates consisting of loamy and clayey alluvium and include: Aquents, dredged (ATA) and Udorthents, 1 to 20 percent slopes (UD).

Other materials used for the parking lots and access roads would include stone base course, aggregate surface course, and geotextile fabric (laid underneath proposed aggregate and stone-based surfaces).

Please see the attached map of the Proposed Project.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *If applicable, Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*

ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*

iii. *Use of "Dock Construction Guidelines"?* http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sqft)?*

The Proposed Project would include the construction of a boat ramp, boat launch ramp, and wooden docks. In-water work is unavoidable because of the boat ramp (approximately 620 square feet; 0.01 acre), boat launch ramp (approximately 500 square feet; 0.01 acre), and docks (approximately 384 square feet; 0.01 acre), which total approximately 1,504 square feet (0.03 acre) of overwater area. The docks are expected to have moderate levels of localized hook and line fishing because it is publicly accessible. Best management practices (BMPs) presented in the attachment below discuss minimization and avoidance of effects to protected species that may occur within the Proposed Project action area. The Proposed Project action area does not contain sea grass vegetation, and therefore, the Proposed Project will use standard construction methods for the actions discussed above.

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

Six treated timber piles driven into the substrate would be necessary to support each dock. Timber piling is typically used to construct piers, docks buildings, walkways, and decks in and above-aquatic environments. Pressure-treated wood products are manufactured and installed in a manner that minimizes any potential for adverse impacts to aquatic environments. The piles would be driven using a hammer pile (vibratory hammers are not typically used on timber piles) with standard equipment (crane, boom, set of leads, pile hammer, helmet, pile gate, and pile monkey). The crane and associated equipment can be staged either onshore or on a barge in the waterway.

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

No marinas or boat slips are proposed.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

The Proposed Project would include one 20 × 31–foot public boat ramp, one 20 × 25–foot boat launch ramp, and one approximately 190 × 90–foot parking lot with enough room to accommodate up to 20 vehicles with a trailer.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

No shoreline armoring is proposed.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles then describe the methods here.*

The Proposed Project would include several features that would require excavation and grading. The access road would be surfaced with up to 8 inches of aggregate; the parking area would be surface with 6 to 8 inches of compacted limestone. Minor grading of the existing shell/limestone access and parking area would be necessary to improve drainage and prepare the site. The 1,120-square-foot concrete boat launch and ramp would have concrete sidewalls covered along the sides of the boat ramp to prevent erosion and to provide long-term stability, typically by vinyl sheet pile. In-water work would consist of the removal of broken concrete and riprap, with minor grading to accommodate the new ramp; no riparian vegetation would require removal.

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

No blasting would be necessary or allowed during construction.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

No artificial reefs are present (LDWF 2013) nor proposed for the Proposed Project.

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

The Proposed Project is intended to enhance recreational activities within the Proposed Project action area, which would include the construction of docks anticipated to enhance shoreline-based fishing opportunities that may result in additional hook and line gear in the Proposed Project action area. The docks are expected to have moderate to high levels of localized fishing using hook and line gear because the area has been used for recreation for 60 years.

F. NOAA Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
Green Sea Turtle (T)		Marine	No Effect
Loggerhead Sea Turtle (T)		Marine	No Effect
Hawksbill Sea Turtle (E)		Marine	No Effect
Leatherback Sea Turtle (E)		Marine	No Effect
Kemp's Ridley Sea Turtle (E)		Marine	No Effect
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

G. USFWS Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under USFWS jurisdiction, visit http://www.fws.gov/endangered/species/.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
Pallid sturgeon		Riverine/freshwater	No Effect
Hawksbill sea turtle		Terrestrial	No Effect
Kemp's Ridley		Terrestrial	No Effect
Leatherback sea turtle		Terrestrial	No Effect
Loggerhead sea turtle		Terrestrial	No Effect
Piping plover		Select One	No Effect
Red knot		Select One	No Effect
West Indian manatee		Select One	No Effect
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
		Select One	Select Most Appropriate
		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

H. Effects of the proposed project to the species and habitats

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

The Proposed Project is anticipated to have No Effect on the following species: the marine life stage of the green sea turtle; pallid sturgeon; the marine and terrestrial life stages of the hawksbill, Kemp's ridley, leatherback and loggerhead sea turtles; piping plover, and red knot; and West Indian manatee. This is based on the assumption that these species would not occur in the Proposed Project action area because of the absence of suitable aquatic foraging habitat for sea turtles, lack of suitable nesting habitat for the sea turtles, lack of medium to large-flowing rivers with sand bars for the pallid sturgeon, lack of wintering foraging/roosting/loafing habitat for the piping plover and red knot; and lack submerged or emergent aquatic vegetation for forage for manatees (GoogleEarth Imagery 2017; NOAA 2018; Love et al. 2013; NatureServe 2016; LDWF 2018). The Proposed Project is located on the Charenton Drainage that abuts the Grand Avoille Cove. The Proposed Project activities are anticipated to result in temporary and localized minor levels of excavation that will result in temporary turbidity and construction noise for the boat launch installation. These actions will be localized and temporarily are not expected to result in broad spatial and temporal scale effects beyond the Proposed Project action area. Due to the low probability of occurrence for the listed species and the localized and temporary proposed activities direct and indirect impacts are not anticipated for these species.

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

The Proposed Project action area is located outside designated critical habitat; therefore, no effects to critical habitat will occur.

I. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Species-specific best management practices (BMPs) from the Final PDARP/PEIS (DWH Trustees 2016:Section 6, Appendix A) that would be incorporated into the Proposed Project are included as an attachment.

Additionally, all individuals (such as construction workers) working on the Proposed Project would be provided with information on general awareness of any federally protected species that have the potential to occur in the Proposed Project action area. Seasonal avoidance measures will be implemented when practicable. If work must be conducted when these species are present, certain activities may be restricted or modified to reduce disturbance of these species (see attached BMPs).

The implementing trustee will implement and enforce approved BMPs listed in the attachment to avoid and minimize impacts to species listed in Sections F and G. Continued coordination of BMPs will occur during the final design phase.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Designated critical habitat is not present within the Proposed Project. Therefore, no impacts to critical habitat would occur as a result of the proposed construction of recreational features, and no additional conservation measures are proposed other than the construction BMPs listed in the attachment below.

J. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☑ NO ☐ YES

Is your activity likely to impact the quality (e.g., salinity, temperature) of marine or estuarine waters? ✓ NO ☐ YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	e) *Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*f) Aquaculture*
☐	☐	*g) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☐	☐	*h) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*i) Fresh-water river diversions*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

The Proposed Project is not located in marine or estuarine waters.

IV. Are any measures planned to mitigate potential impacts to marine mammals? If yes, provide text in box below. NO ☑ YES ☐

K. Bald Eagles

Are bald eagles present in the action area? ☐ NO ☑ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/ courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☑ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

L. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species are present and impacts to individuals or habitat could occur, identify avoidance and minimization measures to prevent incidental take.
Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

I.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
American Golden-Plover	non breeding	The Proposed Project area is located within a region that includes the following birds of conservation concern (USFWS 2018). During the Proposed Project design phase, coordination with the USFWS and the state trust resource agency will occur to site and design Proposed Project features to avoid or minimize impacts to migratory bird nesting habitats or important feeding and loafing areas. If vegetation clearing is required, it would take place outside of the migratory bird nesting season (approximately mid-February through mid-September) or a qualified biologist would inspect the area for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nestlings successfully fledge. If Proposed Project activities must occur during this time-frame and breeding, nesting, and fledging birds are present, the state trust resource agency would be contracted to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations would be implemented.
Bald Eagle	breeding	
Black Skimmer	breeding	
Bonaparte's Gull	non breeding	
Brown Pelican	breeding	
Buff-Breasted Sandpiper	non breeding	
Clapper Rail	breeding	
Common Loon	non breeding	
Double-Crested Cormorant	breeding	
Gull-Billed Tern	breeding	
Herring Gull	breeding	
Kentucky Warbler	breeding	
King Rail	breeding	
Le Conte's Sparrow	non breeding	
Least Tern	breeding	
Lesser Yellowlegs	non breeding	
Prothonotary Warbler	breeding	
Red-Breasted Merganser	non breeding	
Ring-Billed Gull	non breeding	
Royal Tern	breeding	
Rusty Black Bird	non breeding	
Swallow-Tailed Kite	breeding	
Willet	breeding	
Wood Thrush	breeding	

M. Migratory Birds

Continuation page if needed.

II.	SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS

N. Best Practices

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.
http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf
Use the box below to indicate which pratices you'll be using in your project.

PDARP/PEIS best practices that would be incorporated into the Proposed Project are attached.

O. Submitting the BE Form

NMFS ESA § 7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Christina.Fellas@noaa.gov**

Questions about consultation status may be directed to the email address above or by phone: Christy Fellas: 727-551-5714

USFWS ESA § 7 Consultation

We request that all consultation requests/packages to USFWS be submitted electronically to: **Ashley_Mills@fws.gov**.

You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation.

Questions about consultation status may be directed to the email address above or by phone: Ashley Mills: 812-756-2712

Endangered Species Act Programmatic Biological Opinion

Deepwater Horizon Oil Spill Restoration

National Marine Fisheries Service

Complete this section **only** if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016. To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. By checking all boxes below that apply to this project you are confirming that PDCs are incorporated into the project design and construction. The entire Biological Evaluation Form must be completed and include any information necessary to verify that all applicable PDCs are incorporated into the project. If the project incorporates more than one type of restoration, check boxes in all appropriate categories.

Are you using this form to request approval for use of NMFS PDCs for this project? ○ Yes ◉ No

You must receive NMFS approval before proceeding with your project. Note that this PDC checklist does not apply to ESA consultation with USFWS.

Full text of the PDCs can be reviewed at: http://sero.nmfs.noaa.gov/protected_resources/section_7/freq_biop/documents/DWH_bo/appendix_a.pdf

Oyster Reef Creation and Enhancement ○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the oyster reef creation and enhancement PDCs 1.a-1.e.
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.c)
- ☐ In Gulf sturgeon critical habitat, oyster reef creation and enhancement occurs only on existing shell substrata or relic reef locations (PDC 2.d)
- ☐ Cultch material is free of debris and contaminants (PDC 2.e)
- ☐ Fresh shell has been properly aged or quarantined before being deployed (PDC 2.f)
- ☐ Cultch material is placed in a manner to minimize disturbance of sediment (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Plan/drawings for intermittent breaks between oyster reef segment has been provided (2.i)
- ☐ Spill prevention and response plan has been developed (2.j)
- ☐ Design and materials used avoid entanglement and entrapment risks for ESA-listed species (2.k)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marine Debris Removal ○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the marine debris removal PDCs 1.a-1.c
- ☐ All on-water operations shall take place during daylight hours (PDC 2.a)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.b)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.c)
- ☐ Project personnel have been notified of procedures if approached by a marine mammal or sea turtle (PDC 2.d)
- ☐ Trash and debris will be disposed of at an upland location (PDCs 2.e)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Living Shorelines

○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the living shoreline PDCs 1.a-1.h
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ All in-water work activities will conducted during daylight hours (PDC 2.b)
- ☐ Piles for navigation of public safety purposes are less than 24" diameter and non-metal if impact hammer used (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.i)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marsh Creation and Enhancement

○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the marsh creation PDCs 1.a-1.f
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ All in-water work activities will be conducted during daylight hours (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (PDC 2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDCs 2.h)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Non-Fishing Piers

○ Yes ◉ No

- ☐ This project is designed to avoid locations listed in the non-fishing piers PDCs 1.a
- ☐ Spill prevention and response plan has been developed (PDC 2.a)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.b)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.c)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.d)
- ☐ Follow Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat (PDC 2.e)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.f)
- ☐ Follows methods and timing for pile driving (2.g)
- ☐ Follows construction sequencing and avoids propwashing (PDC 2.h)
- ☐ Water depth will not be altered (PDC 2.i)
- ☐ Lighting specifications are incorporated for piers on or adjacent to sea turtle nesting beaches (PDC 2.j)
- ☐ Follows educational and fishing signage requirements (PDC 2.k)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.l)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Check the box to confirm that all applicable requirements are met and a streamlined consultation with NMFS is requested: ☐

Name of person(s) completing this form:

Date form completed:

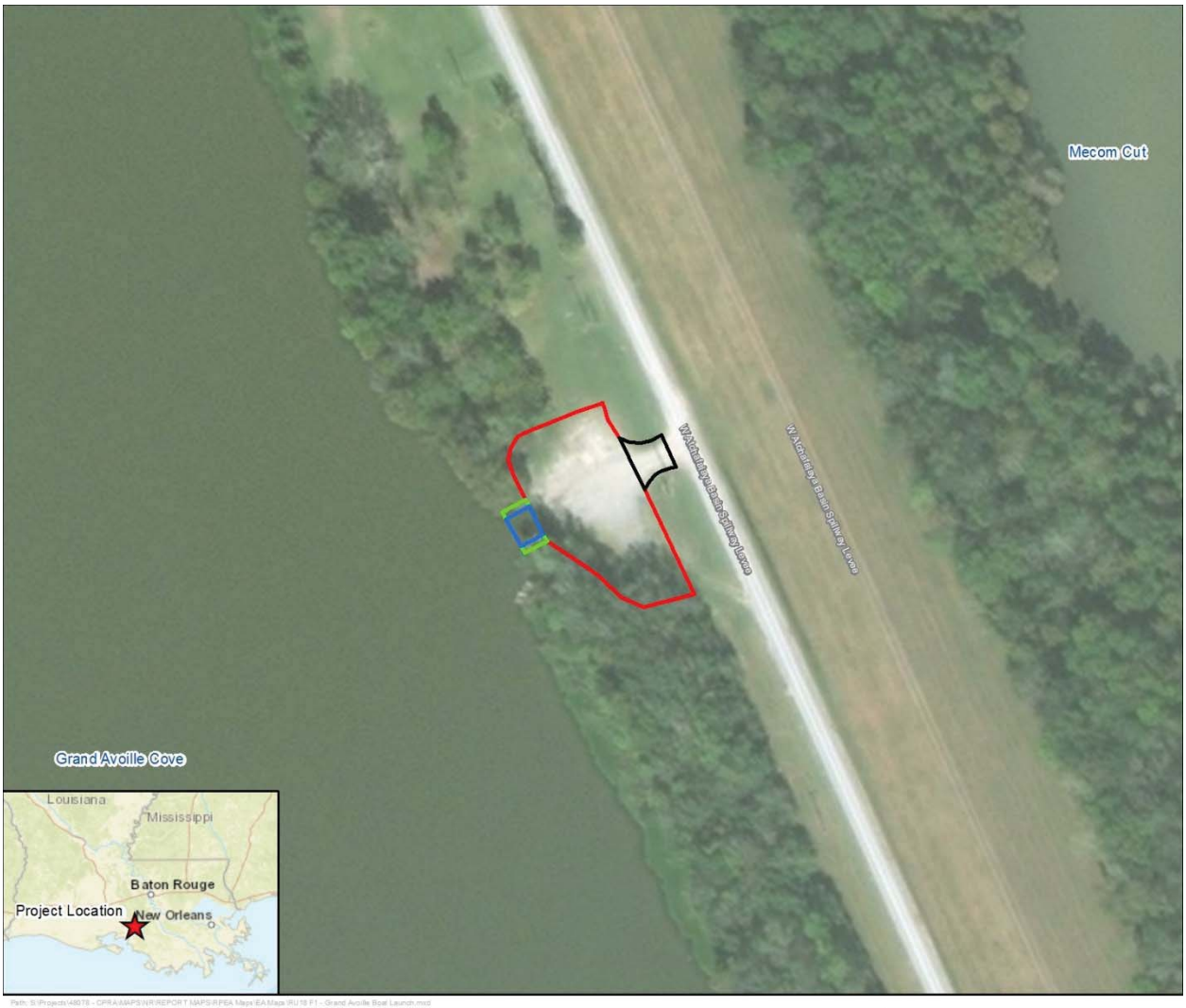
*You must receive NMFS approval before proceeding with your project *

BIOLOGICAL EVALUATIONS FORM ATTACHMENTS

BIOLOGICAL EVALUATION FORM CONTINUATION SHEET

Section E.I. Construction Schedule (continued)

Contracting and preconstruction activities are anticipated to take approximately 3 months. Construction is anticipated to take approximately 2 months.



GRAND AVOILLE BOAT LAUNCH

PROJECT DETAIL MAP
ST MARY PARISH, LOUISIANA

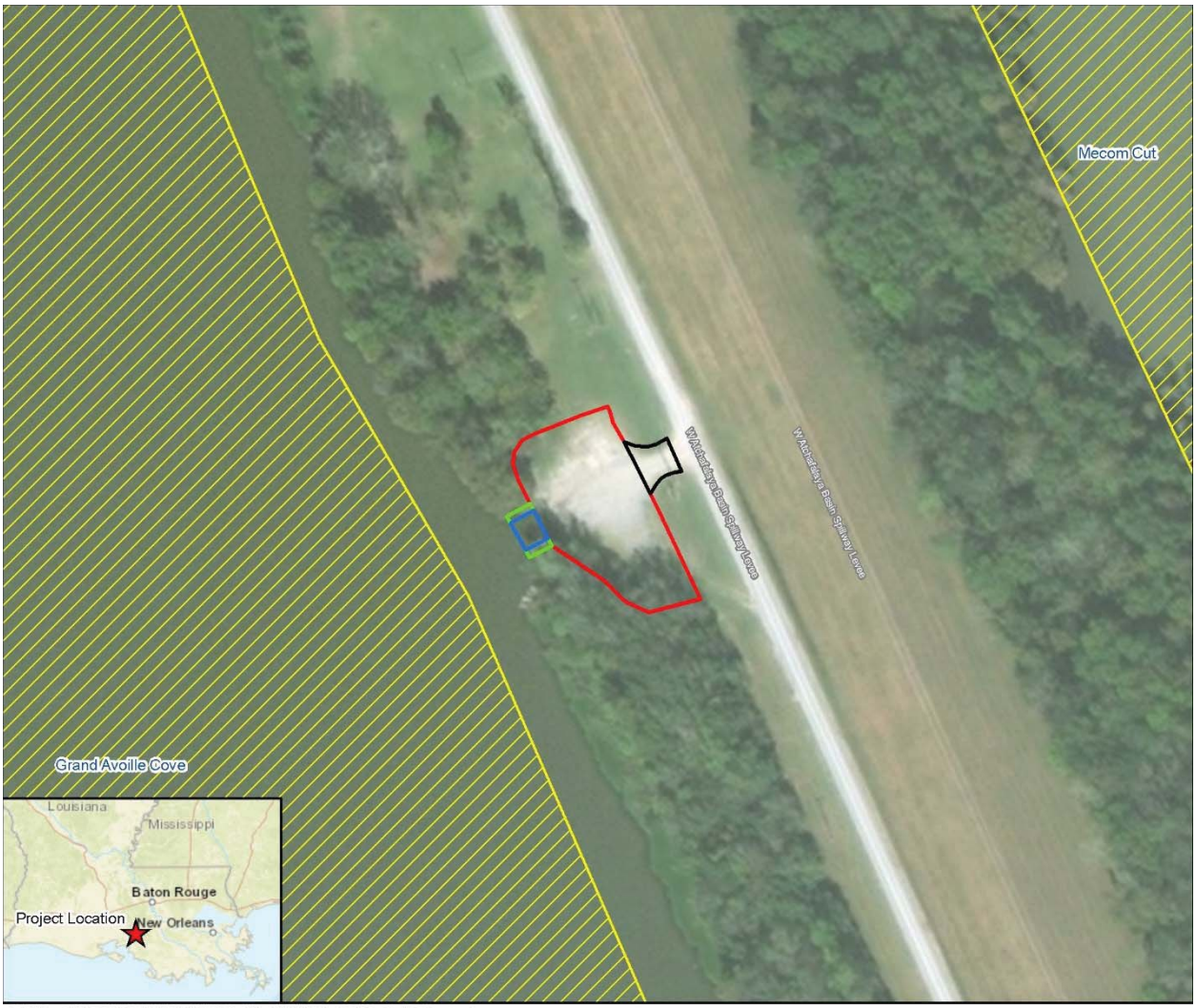
Proposed Alternative

- Access Road
- Boat Launch
- Dock
- Parking Lot

1:2,000

Created By: JS
Project Number: 48078
Date: 3/19/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 110 220 Feet
0 75 150 225 Feet



GRAND AVOILLE BOAT LAUNCH
ESSENTIAL FISH HABITAT AND
USFWS CRITICAL HABITAT MAP
ST MARY PARISH, LOUISIANA

Habitat Designation

Essential Fish Habitat

Proposed Alternative

Access Road

Boat Launch

Dock

Parking Lot

1:2,000

Created By: JS
Project Number: 48078
Date: 4/20/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 110 220 Feet

0 75 150 225 Feet

GRAND AVOILLE BOAT LAUNCH
NWI MAP
ST MARY PARISH, LOUISIANA

Proposed Alternative
- Access Road
- Boat Launch
- Dock
- Parking Lot

NWI Designation
- Forested/Shrub Wetland
- Freshwater Waterbody

1:2,000

Created By: JS
Project Number: 48078
Date: 4/20/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 110 220 Feet
0 75 150 225 Feet

BEST PRACTICES FROM THE PDARP/PEIS

The following section is a direct excerpt from Section 6, Appendix A in Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (DWH Trustees 2016)

Birds

Bald Eagles

If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, have all activities avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is no line of sight to the nest, then the minimum avoidance distance is 330 feet. Maintain this avoidance distance from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).

If a similar activity (such as driving on a roadway) is closer than 660 feet to a nest, maintain a distance buffer as close to the nest as the existing tolerated activity. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then maintain a distance buffer as close to the nest as the existing tolerated activity.

In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, stop the activity and move all individuals and equipment away until the eagles are no longer displaying disturbance behaviors. Contact the USFWS's Migratory Bird Permit Office to determine how to avoid impacts or if a permit may be needed.

Migratory Birds

Use care to avoid birds when operating machinery or vehicles near birds.

During the project design phase, coordinate with the USFWS and the state trust resource agency to site and design projects to avoid or minimize impacts to migratory bird nesting habitats or important feeding/loafing areas.

Avoid working in migratory bird nesting habitats during breeding, nesting, and fledging (approximately mid-February through late August). If project activities must occur during this timeframe and breeding, nesting, or fledging birds are present, contact the state trust resource agency to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations will be implemented.

Conservation areas may already be marked to protect bird nesting areas. Stay out of existing marked areas.

If vegetation clearing is necessary, clear vegetation outside the migratory bird nesting season (approximately mid-February through late August) or have a qualified biologist inspect for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nest successfully fledges.

Avoid driving over the natural organic material ("wrack") line or areas of dense seaweed, as these habitats may contain hatchlings and chicks that are difficult to see.

Install pointy, white piling caps on exposed pilings to prevent bird roosting on piers, docks, and marinas.

Invasive Species

Develop and implement a Hazard Analysis and Critical Control Points (HACCP) plan to prevent and control invasive species. Use (ASTM E2590−08) or other version of HACCP or other similar planning tool.

Implement an Integrated Pest Management (IPM) approach to facility design, sanitation, and maintenance to prevent and control invasive and pest species.

Inspect sites, staging, and buffer areas for common invasive species prior to the onset of work. Map any invasive species detected and note qualitative or quantitative measures regarding abundance.

Implement a control plan, if necessary, to ensure these species do not increase in distribution or abundance at a site due to project implementation. Inspect sites periodically to identify and control new colonies/individuals of an invasive species not previously observed prior to construction.

Prior to bringing any equipment (including personal gear, machinery, vehicles, or vessels) to the work site, inspect each item for mud or soil, seeds, and vegetation. If present, clean the equipment, vehicles, or personal gear until they are free from mud, soil, seeds, and vegetation. Inspect the equipment, vehicles, and personal gear each time they are being prepared to go to a site or prior to transferring between sites to avoid spreading exotic, nuisance species.

Place and maintain predator-proof waste receptacles in strategic locations during project implementation to prevent an increase in predator abundance. For projects designed to enhance or increase visitor use, maintain predator-proof waste receptacles for the life of the project.

Have the appropriate state agency inspect any equipment or construction materials for invasive species prior to use.

Inspect and certify propagated or transplanted vegetation as pest and disease free prior to planting in restoration project areas.

General Construction Measures

Guidelines

Bubble Curtain Specifications for Pile Driving, as contained in the Florida Statewide Programmatic Opinion on page 270.

Piling Installation

Push pilings into soft, bottom substrate to reduce noise from installation; do not drive and hammer pilings into bottom substrate unless necessary for proper construction.

Protected Species

Provide all individuals working on a project with information in support of general awareness of and means to avoid impacts to protected species and their habitats present at the specific project site.

Site Maintenance and Conduct

Use the nearest, existing staging, access and egress areas, travel corridors, pathways, and roadways (including those provided by the state, local governments, land managers, trustee, or private property owner, with proper permissions) and do not create new staging areas, access (except dune walkovers) or egress, or travel corridors through dune habitats.

Minimize construction noise to the maximum extent practicable when working near protected species and their habitats.

Maintain or improve all lighting regimes. Methods include working during daylight hours only, prohibiting lighting on dune walkovers, and using wildlife-friendly lighting where lighting is necessary for human safety.

Post signs at kiosks, ramps, and piers to provide visitors with information to avoid and minimize impacts to protected species and their habitats while recreating. Develop signs in coordination with NMFS, USFWS, and the local state trust resource agency.

Supply and maintain containers for waste fishing gear to avoid fish and wildlife entanglement.

Land and Vegetation Protection

Develop and implement an erosion control plan to minimize erosion during and after construction and where possible use vegetative buffers (100 feet or greater), revegetate with native species or annual grasses, and conduct work during dry seasons.

Develop and implement a spill prevention and response plan, including conducting daily inspections of all construction and related equipment to ensure there are no leaks of antifreeze, hydraulic fluid, or other substances and cleaning and sealing all equipment that would be used in the water to rid it of chemical residue. Develop a contract stipulation to disallow use of any leaking equipment or vehicles.

Prohibit use of hazardous materials, such as lead paint, creosote, pentachlorophenol, and other wood preservatives during construction in, over or adjacent to, sensitive sites during construction and routine maintenance.

Where landscaping is necessary or desired, use native plants from local sources. If non-native species must be used, ensure they are noninvasive and use them in container plantings.

Wetland and Aquatic Resource Protection

Complete an engineering design and post-construction inspection for projects where geomorphic elevations are restored in wetlands, marshes, and shallow water habitats to ensure the success of the restoration project. Manage elevation of fill material to ensure projected consolidation rates are accomplished and that habitat suitable for wetland and marsh vegetation is developed.

Avoid and minimize, to the maximum extent practicable, placement of dredged or fill material in wetlands and other aquatic resources.

Design construction equipment corridors to avoid and minimize impacts to wetlands and other aquatic resources to the maximum extent practicable.

To the maximum extent possible, implement the placement of sediment to minimize impacts to existing vegetation or burrowing organisms.

Apply herbicide in accordance with the direction and guidance provided on the appropriate U.S. Environmental Protection Agency (EPA) labels and state statutes during land-based activities.

When local conditions indicate the likely presence of contaminated soils and sediments, test soil samples for contaminant levels and take precautions to avoid disturbance of, or provide for proper disposal of, contaminated soils and sediments. Evaluate methods prior to dredging to reduce the potential for impacts from turbidity or tarballs.

Perform maintenance of generators, cranes, and any other stationary equipment operated within 150 feet of any natural or wetland area, as necessary, to prevent leaks and spills from entering the water.

Designate a vehicle staging area removed from any natural surface water resource or wetland to perform fueling, maintenance, and storage of construction vehicles and equipment. Inspect vehicles and equipment daily prior to leaving the storage area to ensure that no petroleum or oil products are leaking.

Use silt fencing where appropriate to reduce increased turbidity and siltation in the project vicinity. This would apply to both on land and in water work.

Make all efforts to reduce the peak sound level and exposure levels of fish to reduce the potential impact of sound on fish present in the project areas.

Use a vibratory hammer whenever possible to reduce peak sound pressure levels in the aquatic environment.

Use sound attenuation devices where practicable for pulse noise (impact hammers) to reduce peak sound pressure levels in the aquatic environment.

Stipulate the timing of activities to avoid impacts to spawning fish and eggs/larvae.

Use best practices to reduce turbidity, such as turbidity blankets, to reduce the potential impact of turbidity on finfish.

Screen water withdrawal pipes to minimize potential entrainment of fish from the withdrawal area. Have project proponents coordinate with NMFS to create an intake screen that would minimize potential impingement of fish.

FUTURE BEST PRACTICES

Best Practices for EFH Under MSFCMA

At time of publication, practices to avoid and minimize effects to EFH were under development. Please check the following webpage for EFH best practices that may be developed: http://sero.nmfs.noaa.gov/habitat_conservation/documents/sero_hazmat_efh_consultation_bmps_ver201612.pdf

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Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protect Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Federal Action Agency: U.S. Fish and Wildlife Service

Additional Federal Action Agency: Select Most Appropriate

Agency Contact(s)

USFWS: Ashley Mills at 812-756-2712 and Ashley_Mills@fws.gov
NMFS: Christy Fellas at 727-551-5714 and Christina.Fellas@noaa.gov

I. *Implementing Trustee(s)*: Louisiana Office of State Parks

II. *Contact Person*: Brandon Burris

III. *Phone*: (225) 342-8111

Email: bburris@crt.la.gov

IV. *Project Name and ID# (Official name of project and ID number assigned by Trustees in DIVER)*: Sam Houston Jones State Park

V. *NMFS Office (Choose appropriate office based on project location)*: Select Most Appropriate

USFWS Office (Choose or write in appropriate office based on project location): Louisiana Ecological Services Field Office (Lafayette)

VI. *Project Type #1*: Enhance Recreational Experiences

Project Type #2, if helpful: Enhance Public Access to Natural Resources for Recreational

VII. *TIG*: Louisiana TIG

Restoration Plan: Recreational Use

B. Project Location

I. Physical Address of action area (If applicable)

107 Sutherland Road
Lake Charles, LA 70611

II. *State & County/Parish of action area*: Louisiana, Calcasieu Parish

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*: 30.300168°N, 93.263700°W

IV. Township, range and section of the action area: Township 9 South, Range 9 West, Section 11

C. Existing Compliance Documentation

NEPA Documents

Are there any existing draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project? ☑ Yes ☐ No

Examples:
-USACE programmatic NEPA analysis
-USACE Clean Water Act individual permit for the project
-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.

Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Restoration Plan and Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use

Any documentation or information provided will be very helpful in moving your project forward.

Name of Person Completing this Form:	Nicole Smolensky
Name of Project Lead:	
Date Form Completed:	01/23/2018
Date Form Updated:	04/23/2018

D. Description of Action Area

Attach a separate map delineating where the action will occur and where critical habitat, if any, is located. Map or describe all areas that may be directly or indirectly affected by the action. Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). If CH is not designated in the area, then map or describe any suitable habitat in the area.

The Proposed Project is located in Calcasieu Parish on the northern bank of the West Fork Calcasieu River, northwest of the confluence of the Calcasieu River, and north of Westlake, Louisiana. The Proposed Project is located in the South Central Plains (35) Level III ecoregion and the Flatwoods (35f) Level IV ecoregion (Daigle et al. 2006). The following information was obtained from Daigle et al. (2006) unless otherwise indicated. The South Central Plain is composed of rolling plains that are broken by nearly flat Pleistocene fluvial terraces, bottomlands, sandy low hills, and low cuestas. The ecoregion was historically comprised of longleaf pine flatwoods and savannas, but also supported other mixed pine-hardwood forest communities. The Flatwoods are still dominated by longleaf pine forests, as well as mixed pine-hardwood communities with vegetation such as loblolly pine, sweetgum, white oak, southern red oak, willow oak, blackgum, and hollies. Alfisols and Ultisols are prevalent and are poorly drained to moderately well drained. Soil series include Kinder, Messer, Guyton, Caddo, Glenmora, and Beauregard with soils of acidic sandy loams, silt loams, sands, and sandy clay loams (Daigle et al. 2006).

Sam Houston Jones State Park is located in Calcasieu Parish in the Calcasieu-Mermentau Basin. The entire basin is approximately 5,361,730.08 acres (USGS 2018). Freshwater inputs to the basin are derived somewhat from upstream stream sources, however rainfall is a primary freshwater source as the construction of levees along the Calcasieu River has prevented freshwater and sediment inputs to the basin. Previous water quality inventory reports by the Louisiana Department of Environmental Quality (LDEQ) have listed suspected sources of water quality problems as crop production, pastureland, urban runoff, septic tanks, minor industrial point sources, petroleum activities, highway and maintenance runoff, hydromodification, and dredging (LDWF 2015). Based on the Final 2016 Louisiana Water Quality Integrated Report (LDEQ 2016), West Fork Calcasieu River (Subsegment LA030801_00) is listed as fully supporting the designated use for primary contact recreation (PCR), secondary contact recreation (SCR), and agriculture (AGR); this subsegment is also listed as not supporting the designated use for fish and wildlife propagation (FWP) with suspected causes of impairment due to chloride, mercury in fish, dissolved oxygen (DO), sulfates, and total dissolved solids. Additionally, Houston River to West Fork Calcasieu River (Subsegment LA030806_00) is listed as fully supporting the designated use for PCR, SCR, and AGR; this subsegment is also listed as not supporting the designated use for FWP with suspected causes of impairment due to chloride, mercury in fish, DO, sulfates, and total dissolved solids.

The West Fork Calcasieu River is buffered mostly by upland pine and mixed hardwood forests as well as forested wetlands, interspersed with some residential development within the riparian zone. Although much still remains of natural and restored forest communities, residential development is prevalent throughout the surrounding landscape as well as agriculture, including pine plantations. Sam Houston Jones State Park lies on the north bank of the West Fork Calcasieu River. The habitat consists predominantly of upland pine forest communities as well as mixed pine-hardwood forest, forested wetlands, and maintained herbaceous uplands, which appear to be frequent along the river bank and park roads.

There is no designated critical habitat within Calcasieu Parish. There is designated critical habitat for the piping plover approximately 35.3 miles south of the Proposed Project in Cameron Parish near the mouth of the Calcasieu River. This applies to suitable overwintering beach habitat along the Gulf of Mexico. Freshwater systems and forested and herbaceous uplands, such as those present within and adjacent to the Proposed Project, are not within designated critical habitat for the piping plover.

There is no designated essential fish habitat (EFH) within the Proposed Project action area. The nearest designated EFH to the Proposed Project is for coastal migratory pelagic resources, red drum, reef fish, and shrimp and is approximately 8 miles downstream in the Calcasieu River (NOAA 2018).

a. *Waterbody*

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.

The Proposed Project abuts the north bank of the West Fork Calcasieu River, approximately 46 river miles from the Gulf of Mexico via the West Fork Calcasieu River and the Calcasieu River. The Proposed Project includes freshwater ponds as well as palustrine forested, scrub-shrub, and emergent wetlands. Please see attachment map illustrating the NWI dataset (U.S. Fish and Wildlife Service [USFWS] 2017).

b. *Existing Structures*

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

There are several existing structures throughout the Proposed Project including but not limited to rental cabins, restroom facilities, maintenance buildings, information and check-in buildings, improved and unimproved roadways, parking lots, boardwalks, piers, and a boat ramp. The specific Proposed Project action area where the proposed construction is set to occur are associated with the existing cabins and restroom facilities. However, some of the construction would involve building new cabins where no existing structures are located.

c. *Seagrasses & Other Marine Vegetation*

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for seagrass and other marine vegetation (Google Earth Imagery 2016) and is located outside of mapped distributions of submerged aquatic vegetation (Love et al. 2013; NOAA 2018). Therefore surveys for these resources have not been conducted for this area nor are they scheduled for this area.

d. *Mangroves*

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for mangroves (Google Earth Imagery 2016) and is located outside of mapped distributions of mangroves (Love et al. 2013; NOAA 2018). Therefore surveys for these resources have not been conducted for this area nor are they scheduled for this area.

e. *Corals*

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for corals (Google Earth Imagery 2016) and is located outside of mapped distributions (Love et al. 2013; NOAA 2018). Therefore surveys for these resources have not been conducted for this area nor are they scheduled for this area.

f. *Uplands*

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The Proposed Project contains predominantly forested uplands.

g. *Marine Mammals*

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

The Proposed Project occurs in forested uplands and various freshwater wetland habitats which would not be suitable for marine mammals.

E. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

A conceptual design for the Proposed Project has been developed. The project construction schedule will be determined during engineering and design, but it is estimated that if work is done consecutively all work would be completed in 20 to 22 months and if the work is done sequentially it would take approximately 46 months to complete all projects.

II. *Describe the Proposed Action: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.* *****If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.***

The Louisiana Office of State Parks is pursuing the Proposed Project to replace and upgrade existing recreational infrastructure and service facilities within the Sam Houston Jones State Park to improve the recreational camping experience and increase visitor use. The Proposed Project would achieve this goal by replacing 10 existing temporary trailer cabins that are deteriorating, remodeling the interior and exterior of an existing outdated restroom, and building a new restroom in an underserviced area of the park. Each of these elements would help achieve the Proposed Project goal and would likely increase park visitation and enjoyment of recreational activities such as fishing. The new and remodeled structures would be updated to have a similar architectural style to match the park design and would also improve ADA accessibility.

The new and remodeled Sam Houston Jones State Park cabins and restrooms would include the following construction elements:

- Removal of 10 trailer cabins with an average size of 800 square feet
- Construction of 10 state park standard cabins with an average size of 1,100 to 1,200 square feet, each using existing utility infrastructure, including some landscaping around each of the new cabins
- Repair of existing cabin parking and walkway paving for access to cabins
- Replacement of interior finishes and fixtures and repair of exterior rot and weather proofing at an existing approximately 900-square-foot restroom
- Construction of a new approximately 750-square-foot restroom
- Extension of existing park utilities to serve the new restroom

To construct the 10 replacement cabins, the existing temporary trailer cabins would be removed to accommodate the new approximately 1,100 to 1,200-square-foot state park standard cabins. Minimal site preparation and utility work would be needed because the replacement cabins would occupy the same footprint as the existing cabins and would tie into existing utility lines. The new cabins would be standard stick construction with 2 × 4 stud framing. Special wood alternatives and ground barriers may be required where Formosan termites (Coptotermes formosanus) are present. Cabins would be built either on a pier and beam or concrete slab foundation, depending on grade. Interior finishes would be simple and rustic and able to withstand frequent visitor usage. Additionally, some improvements may be required to the surrounding grounds, including improvements to the parking and access walkways and landscaping around the new cabins to restore construction impacts. Any improvement to vehicular paving would match the existing pavement, which is asphalt with a crushed stone base. Walkways would be concrete with a minimum width of 3 feet and would likely include ADA-compliant access. It is anticipated that 8 months would be needed to complete the design phase of the Proposed Project and 12 months for construction.

Renovation of the existing 900-square-foot restroom would include the replacement of all interior finishes and fixtures, as well as repairs to some exterior areas that have wood rot and old weather proofing. Interior finishes would include sinks, toilets, mirrors, toilet partitions, lights, hand dryers, and some tile on the floor and walls. Repairs to the exterior would mostly be limited to exposed roof elements, such as the soffit and large timber accent pieces. It is anticipated that 3 months would be needed to complete the design phase of the Proposed Project and 7 months for construction.

The NRCS Soil Survey for Calcasieu Parish, Louisiana (U.S. Department of Agriculture [USDA] 2018) identifies four soil map units where construction would occur within the Proposed Project area. The expected soil varieties are gently-sloping, soft substrates primarily composed of clay and sand, and include: Arat mucky silt loam (AR); Basile and Brule, 0 to 3 percent slopes, frequently flooded (BB); Bienville loamy fine sand, 1 to 3 percent slopes (Bh); and Kinder Gist Complex, 0 to 1 percent slopes (Kd).

Construction of the new approximately 750-square-foot restroom facility would require at least three toilets and sinks for each of the two sides of the restroom facility to meet the anticipated user needs. Construction methods and architectural style would match existing park restroom and bathhouse facilities. In addition, existing park utilities would be extended to serve the new restroom and would be located in buried lines. Water and electrical lines would be extended by 950 feet and the sewer line would be extended by 1,200 feet. It is anticipated that 6 months would be needed to complete the design phase and 10 months for construction. Please see the attached map of the Proposed Project.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *If applicable, Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*

ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*

iii. *Use of "Dock Construction Guidelines"?* http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sqft)?*

No overwater work is proposed.

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

No pilings or sheetpiles are proposed.

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

No marinas or boat slips are proposed.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

No boat ramps are proposed.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

No shoreline armoring is proposed.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles then describe the methods here.*

No dredging or digging would be necessary during construction.

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

No blasting would be necessary or allowed during construction.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

No artificial reefs are present (LDWF 2013) nor proposed for this project.

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

The Proposed Project is intended to enhance recreational activities within Sam Houston Jones State Park, including replacement of existing cabins, renovations to existing restroom facilities, and construction of one additional restroom facility. No enhancement to fishing opportunities or effects to local fisheries are anticipated as a result of the Proposed Project.

F. NOAA Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
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Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

G. USFWS Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under USFWS jurisdiction, visit http://www.fws.gov/endangered/species/.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
Red-cockaded woodpecker		Select One	No Effect
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
		Select One	Select Most Appropriate
		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

H. Effects of the proposed project to the species and habitats

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

The Proposed Project is anticipated to have No Effect on the red-cockaded woodpecker. This is based on the assumption that this species will not occur in the action area due to a lack of suitable habitat (e.g., old-aged unfragmented pine stands) and based upon distribution maps of the species obtained from NatureServe (2016) and LDWF (2018). The Proposed Project is not anticipated to yield direct, indirect, or cumulative impacts to this species at broader spatial and temporal scales within and beyond the Proposed Project action area due to the localized and temporary nature of the proposed activities and the existing infrastructure surrounding the Proposed Project area and the construction best management practices (BMPs) presented in the attachment below.

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

The Proposed Project action area is located outside designated critical habitat; therefore no effects to designated critical habitat will occur.

I. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Species specific BMPs from the PDARP/EIS (DWH Trustees 2016) that would be incorporated into the Proposed Project are included as an attachment.

Additionally all individuals (such as construction workers) working on the proposed project would be provided with information on general awareness of any federally protected species that have the potential to occur in the Proposed Project action area. Seasonal avoidance measures would be implemented when practicable. If work must be conducted when these species are present, certain activities may be restricted or modified to reduce disturbance of these species (see attached BMPs).

The implementing trustee will implement and enforce approved BMPs listed in the attachment to avoid and minimize impacts to species listed in Sections F and G. Continued coordination of BMPs will occur during the final design phase.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Designated critical habitat is not present within the Proposed Project. Therefore, no impacts to critical habitat would occur as a result of the proposed construction of recreational features, and no additional conservation measures are proposed other than the construction BMPs listed in the attachment below.

J. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☑ NO ☐ YES

Is your activity likely to impact the quality (e.g., salinity, temperature) of marine or estuarine waters? ✓ NO ☐ YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	e) *Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*f) Aquaculture*
☐	☐	*g) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☐	☐	*h) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*i) Fresh-water river diversions*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

IV. Are any measures planned to mitigate potential impacts to marine mammals? If yes, provide text in box below. NO ☑ YES ☐

K. Bald Eagles

Are bald eagles present in the action area? ☐ NO ☑ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/ courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☑ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

L. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species are present and impacts to individuals or habitat could occur, identify avoidance and minimization measures to prevent incidental take.
Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

I.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
American Golden-Plover	non breeder	The Proposed Project area is located within a region that includes the following birds of conservation concern (USFWS 2018). During the project design phase, coordination with the USFWS and the state trust resource agency would occur to site and design project features to avoid or minimize impacts to migratory bird nesting habitats or important feeding and loafing areas. If vegetation clearing is required, it would take place outside of the migratory bird nesting season (approximately mid-February through mid-September) or a qualified biologist would inspect for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nestlings successfully fledge. If project activities must occur during this time-frame and breeding, nesting, and fledging birds are present, the state trust resource agency will be contracted to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations will be implemented.
Bald Eagle	breeder	
Gull-Billed Tern	breeder	
Henslow's Sparrow	breeder	
Hudsonian Godwit	non breeder	
King Rail	breeder	
Le Conte's Sparrow	breeder	
Lesser Yellowlegs	non breeder	
Long-Billed Curlew	non breeder	
Marbled Godwit	non breeder	
Nelson's Sparrow	non breeder	
Prothonotary Warbler	breeder	
Red-Head Woodpecker	breeder	
Seaside Sparrow	breeder	
Semipalmated Sandpiper	non breeder	
Short-Billed Dowitcher	non breeder	
Sprague's Pipit	breeder	
Swallow-Tailed Kite	breeder	
Whimbrel	non breeder	
Willet	breeder	
Wood Thrush	breeder	
Yellow Rail	breeder	

M. Migratory Birds

Continuation page if needed.

II.	SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS

N. Best Practices

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.
http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf
Use the box below to indicate which pratices you'll be using in your project.

BMPs from the PDARP/EIS that would be incorporated into the Proposed Project are included as an attachment.

O. Submitting the BE Form

NMFS ESA § 7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Christina.Fellas@noaa.gov**

Questions about consultation status may be directed to the email address above or by phone: Christy Fellas: 727-551-5714

USFWS ESA § 7 Consultation

We request that all consultation requests/packages to USFWS be submitted electronically to: **Ashley_Mills@fws.gov**.

You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation.

Questions about consultation status may be directed to the email address above or by phone: Ashley Mills: 812-756-2712

Endangered Species Act Programmatic Biological Opinion

Deepwater Horizon Oil Spill Restoration

National Marine Fisheries Service

Complete this section **only** if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016. To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. By checking all boxes below that apply to this project you are confirming that PDCs are incorporated into the project design and construction. The entire Biological Evaluation Form must be completed and include any information necessary to verify that all applicable PDCs are incorporated into the project. If the project incorporates more than one type of restoration, check boxes in all appropriate categories.

Are you using this form to request approval for use of NMFS PDCs for this project? ○ Yes ◉ No

You must receive NMFS approval before proceeding with your project. Note that this PDC checklist does not apply to ESA consultation with USFWS.

Full text of the PDCs can be reviewed at: http://sero.nmfs.noaa.gov/protected_resources/section_7/freq_biop/documents/DWH_bo/appendix_a.pdf

Oyster Reef Creation and Enhancement ○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the oyster reef creation and enhancement PDCs 1.a-1.e.
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.c)
- ☐ In Gulf sturgeon critical habitat, oyster reef creation and enhancement occurs only on existing shell substrata or relic reef locations (PDC 2.d)
- ☐ Cultch material is free of debris and contaminants (PDC 2.e)
- ☐ Fresh shell has been properly aged or quarantined before being deployed (PDC 2.f)
- ☐ Cultch material is placed in a manner to minimize disturbance of sediment (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Plan/drawings for intermittent breaks between oyster reef segment has been provided (2.i)
- ☐ Spill prevention and response plan has been developed (2.j)
- ☐ Design and materials used avoid entanglement and entrapment risks for ESA-listed species (2.k)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marine Debris Removal ○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the marine debris removal PDCs 1.a-1.c
- ☐ All on-water operations shall take place during daylight hours (PDC 2.a)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.b)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.c)
- ☐ Project personnel have been notified of procedures if approached by a marine mammal or sea turtle (PDC 2.d)
- ☐ Trash and debris will be disposed of at an upland location (PDCs 2.e)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Living Shorelines

○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the living shoreline PDCs 1.a-1.h
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ All in-water work activities will conducted during daylight hours (PDC 2.b)
- ☐ Piles for navigation of public safety purposes are less than 24" diameter and non-metal if impact hammer used (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.i)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marsh Creation and Enhancement

○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the marsh creation PDCs 1.a-1.f
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ All in-water work activities will be conducted during daylight hours (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (PDC 2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDCs 2.h)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Non-Fishing Piers

○ Yes ◉ No

- ☐ This project is designed to avoid locations listed in the non-fishing piers PDCs 1.a
- ☐ Spill prevention and response plan has been developed (PDC 2.a)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.b)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.c)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.d)
- ☐ Follow Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat (PDC 2.e)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.f)
- ☐ Follows methods and timing for pile driving (2.g)
- ☐ Follows construction sequencing and avoids propwashing (PDC 2.h)
- ☐ Water depth will not be altered (PDC 2.i)
- ☐ Lighting specifications are incorporated for piers on or adjacent to sea turtle nesting beaches (PDC 2.j)
- ☐ Follows educational and fishing signage requirements (PDC 2.k)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.l)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Check the box to confirm that all applicable requirements are met and a streamlined consultation with NMFS is requested: ☐

Name of person(s) completing this form:

Date form completed:

*You must receive NMFS approval before proceeding with your project *

BIOLOGICAL EVALUATIONS FORM ATTACHMENTS

SAM HOUSTON JONES STATE PARK

PROJECT DETAIL MAP
CALCASIEU PARISH, LOUISIANA

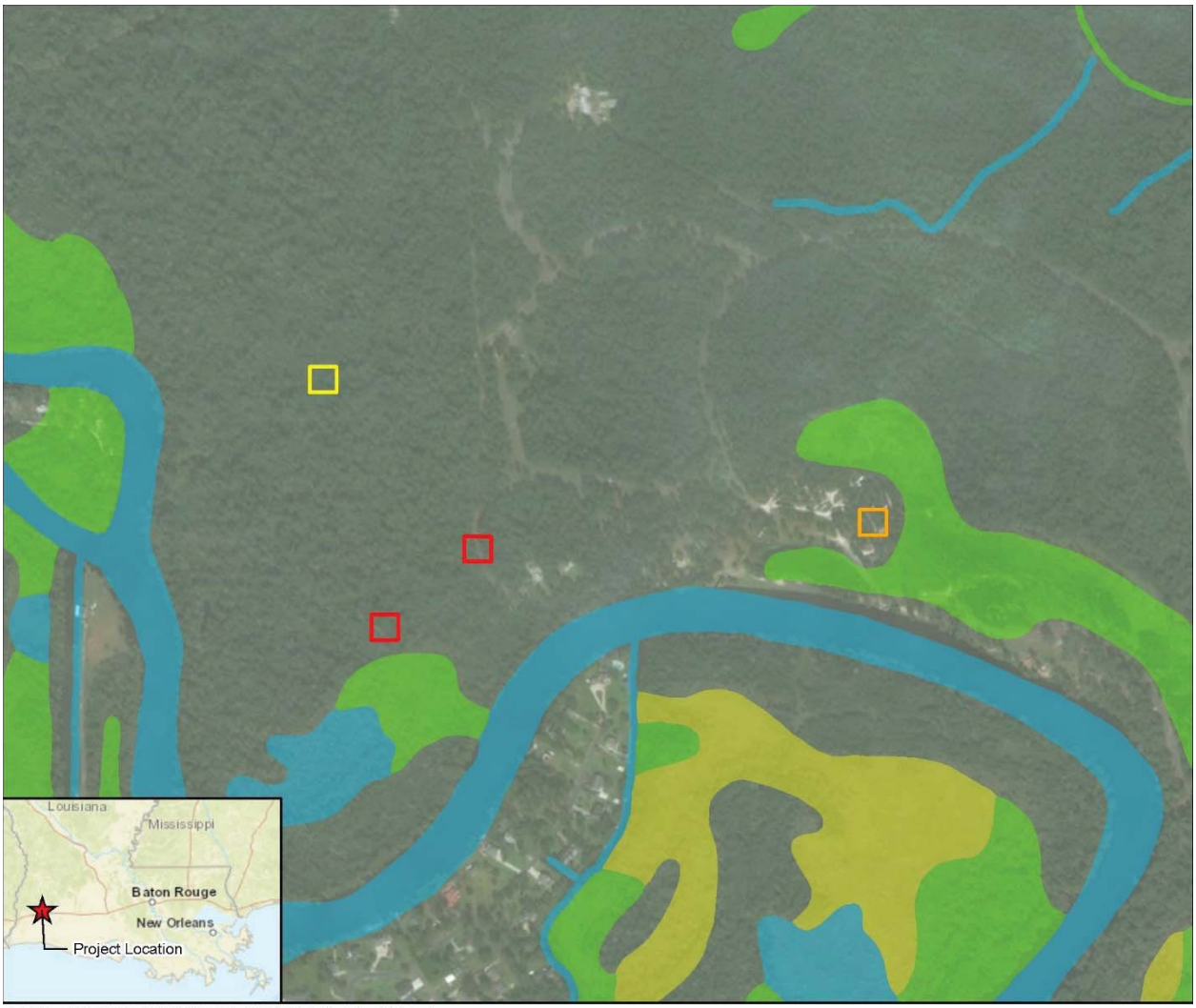
Proposed Alternative

- Cabins
- New Restroom
- Restroom Renovation

1:10,000

Created By: JS
Project Number: 48078
Date: 3/19/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 575 1,150 Feet
0 380 760 1,140 Feet



SAM HOUSTON JONES STATE PARK
NWI MAP
CALCASIEU PARISH, LOUISIANA

Proposed Alternative
- Cabins
- New Restroom
- Restroom Renovation

NWI Designation
- Emergent Wetland
- Forested/Shrub Wetland
- Freshwater Waterbody

1:10,000

Created By: JS
Project Number: 48078
Date: 4/20/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 575 1,150 Feet
0 380 760 1,140 Feet

BEST PRACTICES FROM THE PDARP/PEIS

The following section is a direct excerpt from Section 6, Appendix A in Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (DWH Trustees 2016).

Birds

Bald Eagles

If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, have all activities avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is no line of sight to the nest, then the minimum avoidance distance is 330 feet. Maintain this avoidance distance from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).

If a similar activity (such as driving on a roadway) is closer than 660 feet to a nest, maintain a distance buffer as close to the nest as the existing tolerated activity. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then maintain a distance buffer as close to the nest as the existing tolerated activity.

In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, stop the activity and move all individuals and equipment away until the eagles are no longer displaying disturbance behaviors. Contact the USFWS's Migratory Bird Permit Office to determine how to avoid impacts or if a permit may be needed.

Migratory Birds

Use care to avoid birds when operating machinery or vehicles near birds.

During the project design phase, coordinate with the USFWS and the state trust resource agency to site and design projects to avoid or minimize impacts to migratory bird nesting habitats or important feeding/loafing areas.

Avoid working in migratory bird nesting habitats during breeding, nesting, and fledging (approximately mid-February through late August). If project activities must occur during this timeframe and breeding, nesting, or fledging birds are present, contact the state trust resource agency to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations will be implemented.

Conservation areas may already be marked to protect bird nesting areas. Stay out of existing marked areas.

If vegetation clearing is necessary, clear vegetation outside the migratory bird nesting season (approximately mid-February through late August) or have a qualified biologist inspect for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nest successfully fledges.

Avoid driving over the natural organic material ("wrack") line or areas of dense seaweed, as these habitats may contain hatchlings and chicks that are difficult to see.

Install pointy, white piling caps on exposed pilings to prevent bird roosting on piers, docks, and marinas.

General Construction Measures

Protected Species

Provide all individuals working on a project with information in support of general awareness of and means to avoid impacts to protected species and their habitats present at the specific project site.

Site Maintenance and Conduct

Use the nearest, existing staging, access and egress areas, travel corridors, pathways, and roadways (including those provided by the state, local governments, land managers, trustee, or private property owner, with proper permissions) and do not create new staging areas, access (except dune walkovers) or egress, or travel corridors through dune habitats.

Minimize construction noise to the maximum extent practicable when working near protected species and their habitats.

Maintain or improve all lighting regimes. Methods include working during daylight hours only, prohibiting lighting on dune walkovers, and using wildlife-friendly lighting where lighting is necessary for human safety.

Land and Vegetation Protection

Develop and implement an erosion control plan to minimize erosion during and after construction and where possible use vegetative buffers (100 feet or greater), revegetate with native species or annual grasses, and conduct work during dry seasons.

Develop and implement a spill prevention and response plan, including conducting daily inspections of all construction and related equipment to ensure there are no leaks of antifreeze, hydraulic fluid, or other substances and cleaning and sealing all equipment that would be used in the water to rid it of chemical residue. Develop a contract stipulation to disallow use of any leaking equipment or vehicles.

Prohibit use of hazardous materials, such as lead paint, creosote, pentachlorophenol, and other wood preservatives during construction in, over or adjacent to, sensitive sites during construction and routine maintenance.

Where landscaping is necessary or desired, use native plants from local sources. If non-native species must be used, ensure they are noninvasive and use them in container plantings.

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Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protect Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Federal Action Agency: U.S. Fish and Wildlife Service

Additional Federal Action Agency: Select Most Appropriate

Agency Contact(s)

USFWS: Ashley Mills at 812-756-2712 and Ashley_Mills@fws.gov
NMFS: Christy Fellas at 727-551-5714 and Christina.Fellas@noaa.gov

I. *Implementing Trustee(s)*: Louisiana Office of State Parks

II. *Contact Person*: Brandon Burris

III. *Phone*: (225) 342-8111

Email: bburris@crt.la.gov

IV. *Project Name and ID# (Official name of project and ID number assigned by Trustees in DIVER)*: St. Bernard State Park

V. *NMFS Office (Choose appropriate office based on project location)*: Select Most Appropriate

USFWS Office (Choose or write in appropriate office based on project location): Louisiana Ecological Services Field Office (Lafayette)

VI. *Project Type #1*: Enhance Recreational Experiences

Project Type #2, if helpful: Enhance Public Access to Natural Resources for Recreational

VII. *TIG*: Louisiana TIG

Restoration Plan: Recreational Use

B. Project Location

I. Physical Address of action area (If applicable)

501 Saint Bernard Parkway
Braithwaite, Louisiana 70040

II. *State & County/Parish of action area*: Louisiana, St. Bernard Parish

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*: 29.861232°N, 89.899620°W

IV. Township, range and section of the action area: Township 14 South, Range 23 East, Section 7

C. Existing Compliance Documentation

NEPA Documents

Are there any existing draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project? ☑ Yes ☐ No

Examples:
-USACE programmatic NEPA analysis
-USACE Clean Water Act individual permit for the project
-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.

Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Restoration Plan and Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use

Any documentation or information provided will be very helpful in moving your project forward.

Name of Person Completing this Form:	Nicole Smolensky
Name of Project Lead:	
Date Form Completed:	01/23/2018
Date Form Updated:	04/23/2018

D. Description of Action Area

Attach a separate map delineating where the action will occur and where critical habitat, if any, is located. Map or describe all areas that may be directly or indirectly affected by the action. Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). If CH is not designated in the area, then map or describe any suitable habitat in the area.

The Proposed Project is located in St. Bernard Parish near the southern bank of the Mississippi River, east of the Caernarvon Canal and east of Caernarvon, Louisiana. The Proposed Project is located in the Mississippi Alluvial Plain (73) Level III ecoregion and the Southern Holocene Meander Belts (73k) Level IV ecoregion (Daigle et al. 2006). The following information was obtained from Daigle et al. 2006 unless indicated otherwise. The Mississippi Alluvial Plain is mostly a broad, flat alluvial plain with river terraces, swales, and levees providing the main elements of relief. Elevation ranges from 5 to 100 feet above mean sea level, and local relief ranges from 5 to 15 feet. Winters are mild and summers are hot with minimum/maximum temperatures of 40˚F/68˚F and 72˚F/92˚F, respectively. Mean annual precipitation ranges from 56 to 64 inches. The ecoregion historically comprised bottomland deciduous forest with extensive wetlands, but much of it was cleared for cultivation. The Southern Holocene Meander Belts are dominated by bottomland hardwood and upland forests with vegetation such as laurel oak, live oak, cottonwood, hickories, and sweetgum. Spanish moss is common, and cypress-tupelo swamps are prevalent in low, frequently flooded areas. Soils are fine textured and poorly drained, although there are some areas of coarser, better-drained soils. Extensive alluvial deposits are found throughout the region resulting in the development of Alfisols and Inceptisols. Remnant Entisols and Vertisols are also present as a result of the Mississippi River flood regime. Soil series include Commerce, Tensas, Cancienne, Convent, and Schriever. Sediments of sands, silts, clays, and gravel are prevalent (Daigle et al. 2006).

St. Bernard State Park is located in St. Bernard Parish in the Lake Pontchartrain Basin. The entire basin is approximately 2,970,653.63 acres (U.S. Geological Survey [USGS] 2018). Freshwater inputs to the basin are primarily rainfall because the construction of levees along the Mississippi River has prevented freshwater and sediment inputs to the basin. Previous water quality inventory reports by the Louisiana Department of Environmental Quality (LDEQ) list suspected sources of water quality problems as crop production, pastureland, urban runoff, septic tanks, minor industrial point sources, petroleum activities, highway and maintenance runoff, hydromodification, and dredging (LDWF 2015). Based on the FINAL 2016 Louisiana Water Quality Inventory: Integrated Report (305(b)/303(d)) (LDEQ 2016) New Canal (subsegment LA041808_00) is listed as fully supporting the designated use for primary contact recreation (PCR) and secondary contact recreation (SCR); this subsegment is also listed as not supporting the designated use for fish and wildlife propagation (FWP) with suspected causes of impairment because of dissolved oxygen.

Much of the land adjacent to the Mississippi River has been developed or used for agriculture. However, as the river approaches the Gulf of Mexico, the landscape changes to coastal estuarine wetlands and is noticeably less developed. St. Bernard State Park lies adjacent to a residential area along the east bank of the river and has remained essentially unchanged over the last 20 years. The habitat consists predominantly of mixed hardwood upland forest broken up by a network of winding, human-made channels and park roads. Maintained herbaceous uplands are also found along the park roads and structures. The park forms the western portion of an approximately 725-acre unbroken stand of forest, becoming more forested wetland than upland further east. Estuarine emergent wetlands dominate the landscape beyond the banks of the Mississippi River, surrounding the Proposed Project, and its adjacent communities, to the south and east.

Critical habitat is designated for Gulf sturgeon and piping plover (LA-5 and LA-7 Units) within St. Bernard Parish and closely adjacent Plaquemines Parish; however, none occur within the Proposed Project. Gulf sturgeon critical habitat designation only applies to non-breeding habitats in eastern Lake Pontchartrain, Lake Borgne, and their connecting waters approximately no less than 6.5 miles northeast of the Proposed Project. Piping plover critical habitat designation only applies to suitable overwintering habitats on barrier islands and beaches in Barataria Bay (e.g., Grand Terre Islands), Breton Bay (e.g., Breton Islands), and the Mississippi River Delta approximately 37 miles south and 50 to 70 miles southeast (respectively) of the Proposed Project. Freshwater systems and forested and herbaceous uplands, such as those present within the Proposed Project, are not within designated critical habitat for the Gulf sturgeon or piping plover.

Designated essential fish habitat (EFH) for coastal migratory pelagic resources, red drum, reef fish, and shrimp is present within the Mississippi River and Caernarvon Canal (NOAA 2018) adjacent to the Proposed Project action area. However, EFH is not present within the Proposed Project action area.

a. *Waterbody*

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.

The Proposed Project is directly east of, but not abutting, the confluence of the Mississippi River and the Caernarvon Canal. It is also bordered to the south by an unnamed ditch, which flows into the Caernarvon Canal to the west. The Proposed Project is approximately 23.7 miles (by water) from Black Bay/Breton Sound via the Caernarvon Canal, Lake Lery, and Bayou Terres Aux Boeufs. The Proposed Project includes several human-made lagoons and ponds. Please see attachment map illustrating the NWI dataset (U.S. Fish and Wildlife Service [USFWS] 2017).

b. *Existing Structures*

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

There are several existing structures throughout the Proposed Project, including pavilions, restroom facilities, maintenance buildings, information and check-in buildings, a swimming pool, improved and unimproved roadways, road bridges, and parking lots. The Proposed Project action area construction activities would occur at the existing entrance station and restroom facilities. However, some of the construction would involve building new cabins where no previous structures have stood.

c. *Seagrasses & Other Marine Vegetation*

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for seagrass and other marine vegetation (Google Earth Imagery 2016) and is located outside of mapped distributions of submerged aquatic vegetation (Love et al. 2013; NOAA 2018). Therefore, surveys for these resources have not been conducted for this area nor, are they scheduled for this area.

d. *Mangroves*

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for mangroves (Google Earth Imagery 2016) and is located outside of mapped distributions of mangroves (Love et al. 2013; NOAA 2018). Therefore, surveys for these resources have not been conducted for this area, nor are they scheduled for this area.

e. *Corals*

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for corals (Google Earth Imagery 2016) and is located outside of mapped distributions (Love et al. 2013; NOAA 2018). Therefore, surveys for these resources have not been conducted for this area, nor are they scheduled for this area.

f. *Uplands*

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The Proposed Project action area contains forested, scrub-shrub, and maintained herbaceous uplands.

g. *Marine Mammals*

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

The Proposed Project action area includes riverine habitats that lack extensive submerged or emergent vegetation as determined from aerial imagery, and the the waters of the action area are inaccessible to this species, thus the West Indian manatee is not likely to occur in the project action area (LDWF 2018).

E. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

A conceptual design has already been developed. The Proposed Project construction schedule would be determined during engineering and design, but construction of a project of this kind would typically occur over 4 to 12 months, subject to approval of permits and environmental review. The construction schedule would include contracting, pre-construction, and construction activities.

II. *Describe the Proposed Action: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.* *****If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.***

The Louisiana Office of State Parks is pursuing the Proposed Project, to renovate and replace existing inadequate or deteriorating recreational infrastructure and service facilities within the St. Bernard State Park to improve the recreational camping experience and increase visitation. The Proposed Project would achieve this goal by renovating the entrance station, a restroom, and a bathhouse; replacing one old bathhouse with a new restroom facility; and removing the underused and outdated swimming pool, replacing it with 20,000-square-foot event pavilion. Each of the Proposed Project elements would help achieve the goals of increased park visitation and improved enjoyment of recreational activities. The replacement restroom and the new pavilion would be expected to accommodate as many as 400 people for an event. The new and remodeled structures would be updated to have a similar architectural style to match the park design and would also improve ADA accessibility in some areas.

The new and renovated St. Bernard State Park entrance station, restroom and bathhouse facilities, and event pavilion would include the following:

- Interior renovations of the entrance facility, including removing and rebuilding interior walls and doors, electrical work, lighting, new exterior windows, and improving ADA compliance
- Renovations of one restroom and one bathhouse including all interior elements and some exterior elements
- Replacement of one existing bathhouse with a new 900- to 1,000-square-foot restroom facility with seven toilets and sinks and five drinking fountains to serve the pavilion
- Removal of pool deck and filling of the existing old swimming pool
- Construction of a 20,000-square-foot metal event pavilion

Entrance station interior renovations would likely include the following tasks: removing, moving, and rebuilding an interior wall with two doors; relocating data lines and electrical outlets; rearranging lighting and adding additional lights, addressing thresholds, door widths, counter heights, ADA-compliance improvements; and installation of new exterior windows at least 3 feet × 4 or 5 feet.

Restroom and bathhouse renovations would involve interior and exterior construction that would be limited to existing footprints. All interior finishes and fixtures would be replaced and repairs to exterior areas that have wood rot and old weather proofing would be made. Interior finishes would include sinks, toilets, mirrors, toilet partitions, lights, hand dryers, and some floor and wall tile. Exterior repairs would be made to exposed roof elements (soffits, large timber accent pieces, weather proofing and paint). Any doors not replaced after Hurricane Katrina would need to be replaced and some ADA-compliance upgrades would be made. The new restroom would be approximately 900 to 1,000 square feet and would be constructed on the same site after demolition of the bathhouse. The new restroom would have a minimum seven toilets and sinks for each of the two sides of the restroom facility and five drinking fountains, to meet the anticipated user needs. Construction methods and architectural style would match the proposed event pavilion and relate to this region of the state.

The NRCS Soil Survey for St. Bernard Parish, Louisiana (U.S. Department of Agriculture [USDA] 2018) identifies two soil map units where construction would occur within the Proposed Project area. The expected soil varieties are gently-sloping, soft substrates primarily composed of clay and sand, and include: Schriever clay, 0 to 1 percent slopes (Sk) and Vacherie silt loam, 0 to 3 percent slopes (Va).

For the site preparation for the construction of the new 20,000-square-foot event pavilion, the existing pool deck would be removed, holes would be drilled in the bottom of the existing swimming pool to allow it to drain, the empty pool would be filled and buried, and soils would be compacted to allow construction of the pavilion at this site. The new metal pavilion would be placed on a concrete slab, have a metal roof, and would require utility connections and upgrades.

Please see the attached map of the Proposed Project.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *If applicable, Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*

ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*

iii. *Use of "Dock Construction Guidelines"?* http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sqft)?*

No overwater work is proposed.

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

No pilings or sheet piles are proposed.

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

No marinas or boat slips are proposed.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

No boat ramps are proposed.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

No shoreline armoring is proposed.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles then describe the methods here.*

No dredging or digging would be necessary during construction.

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

No blasting would be necessary or allowed during construction.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

No artificial reefs are present (LDWF 2013) nor proposed for the Proposed Project.

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

No enhancement to fishing opportunities are anticipated as a result of the Proposed Project.

F. NOAA Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
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Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

G. USFWS Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under USFWS jurisdiction, visit http://www.fws.gov/endangered/species/.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
Gulf sturgeon		Riverine/freshwater	No Effect
Pallid sturgeon		Select One	No Effect
Hawksbill sea turtle		Terrestrial	No Effect
Kemp's Ridley		Terrestrial	No Effect
Leatherback sea turtle		Terrestrial	No Effect
Loggerhead sea turtle		Terrestrial	No Effect
Piping plover		Select One	No Effect
Red knot		Select One	No Effect
West Indian manatee		Select One	No Effect
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
		Select One	Select Most Appropriate
		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

H. Effects of the proposed project to the species and habitats

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

The Proposed Project is anticipated to have No Effect on the following species: the freshwater/riverine life stages of the Gulf sturgeon; pallid sturgeon; terrestrial life stages of the hawksbill, Kemp's ridley, leatherback and loggerhead sea turtles; piping plover and red knot; and West Indian manatee. This is based on the assumption that these species would not occur in the Proposed Project action area because of a lack of suitable habitat for any of the listed species. The Proposed Project activities of facility renovations occur in upland areas and not anticipated to yield direct nor indirect impacts to these species at broader spatial and temporal scales. The Proposed Project activities are localized, are renovations occurring in areas with existing infrastructure and construction activities will be temporary.

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

The Proposed Project action area is located outside designated critical habitat; therefore, No Effects to critical habitat would occur.

I. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Species-specific best management practices (BMPs) from the Final PDARP/PEIS (DWH Trustees 2016:Section 6, Appendix A) that would be incorporated into the Proposed Project are included as an attachment.

Additionally, all individuals (such as construction workers) working on the Proposed Project would be provided with information on general awareness of any federally protected species that have the potential to occur in the Proposed Project action area. Seasonal avoidance measures will be implemented when practicable. If work must be conducted when these species are present, certain activities may be restricted or modified to reduce disturbance of these species (see attached BMPs).

The implementing trustee will implement and enforce approved BMPs listed in the attachment to avoid and minimize impacts to species listed in Sections F and G. Continued coordination of BMPs will occur during the final design phase.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Designated critical habitat is not present within the Proposed Project. Therefore, no impacts to critical habitat would occur as a result of the proposed construction of recreational features, and no additional conservation measures are proposed other than the construction BMPs listed in the attachment below.

J. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☑ NO ☐ YES

Is your activity likely to impact the quality (e.g., salinity, temperature) of marine or estuarine waters? ✓ NO ☐ YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	e) *Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*f) Aquaculture*
☐	☐	*g) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☐	☐	*h) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*i) Fresh-water river diversions*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

IV. Are any measures planned to mitigate potential impacts to marine mammals? If yes, provide text in box below. NO ☑ YES ☐

K. Bald Eagles

Are bald eagles present in the action area? ☐ NO ☑ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/ courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☑ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

L. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species are present and impacts to individuals or habitat could occur, identify avoidance and minimization measures to prevent incidental take.
Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

I.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
American Oystercatcher	non breeder	The Proposed Project area is located within a region that includes the following birds of conservation concern (USFWS 2018). The land-based construction effort would require some tree clearing because the proposed work involves the addition of a new pavilion as well as the replacement and renovations of existing structures. These trees may provide some roosting and foraging habitat for certain species, but that function is not anticipated to be adversely affected. During the Proposed Project design phase, coordination with the USFWS and the state trust resource agency would occur to site and design Proposed Project features to avoid or minimize impacts to migratory bird nesting habitats or important feeding and loafing areas. If vegetation clearing is required, it would take place outside of the migratory bird nesting season (approximately mid-February through mid-September) or a qualified biologist would inspect the area for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nestlings successfully fledge. If Proposed Project activities must occur during this time-frame and breeding, nesting, and fledging birds are present, the state trust resource agency would be contracted to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations would be implemented.
Bald Eagle	breeder	
Black Skimmer	breeder	
Gulle-Billed Tern	breeder	
King Rail	non breeder	
Le Conte's Sparrow	breeder	
Lesser Yellowlegs	breeder	
Long-Billed Curlew	non breeder	
Magnificent Frigatebird	non breeder	
Marbled Godwit	non breeder	
Nelson's Sparrow	non breeder	
Prothonotary Warbler	breeder	
Reddish Egret	breeder	
Red-Headed Woodpecker	breeder	
Seaside Sparrow	breeder	
Semipalmated Sandpiper	non breeder	
Short-Billed Dowitcher	non breeder	
Swallow-Tailed Kite	breeder	
Whimbrel	non breeder	
Willet	breeder	
Wilson's Plover	breeder	
Wood Thrush	breeder	

M. Migratory Birds

Continuation page if needed.

II.	SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS

N. Best Practices

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.
http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf
Use the box below to indicate which pratices you'll be using in your project.

PDARP/PEIS best practices that would be incorporated into the Proposed Project are attached.

O. Submitting the BE Form

NMFS ESA § 7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Christina.Fellas@noaa.gov**

Questions about consultation status may be directed to the email address above or by phone: Christy Fellas: 727-551-5714

USFWS ESA § 7 Consultation

We request that all consultation requests/packages to USFWS be submitted electronically to: **Ashley_Mills@fws.gov**.

You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation.

Questions about consultation status may be directed to the email address above or by phone: Ashley Mills: 812-756-2712

Endangered Species Act Programmatic Biological Opinion

Deepwater Horizon Oil Spill Restoration

National Marine Fisheries Service

Complete this section **only** if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016. To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. By checking all boxes below that apply to this project you are confirming that PDCs are incorporated into the project design and construction. The entire Biological Evaluation Form must be completed and include any information necessary to verify that all applicable PDCs are incorporated into the project. If the project incorporates more than one type of restoration, check boxes in all appropriate categories.

Are you using this form to request approval for use of NMFS PDCs for this project? ○ Yes ◉ No

You must receive NMFS approval before proceeding with your project. Note that this PDC checklist does not apply to ESA consultation with USFWS.

Full text of the PDCs can be reviewed at: http://sero.nmfs.noaa.gov/protected_resources/section_7/freq_biop/documents/DWH_bo/appendix_a.pdf

Oyster Reef Creation and Enhancement ○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the oyster reef creation and enhancement PDCs 1.a-1.e.
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.c)
- ☐ In Gulf sturgeon critical habitat, oyster reef creation and enhancement occurs only on existing shell substrata or relic reef locations (PDC 2.d)
- ☐ Cultch material is free of debris and contaminants (PDC 2.e)
- ☐ Fresh shell has been properly aged or quarantined before being deployed (PDC 2.f)
- ☐ Cultch material is placed in a manner to minimize disturbance of sediment (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Plan/drawings for intermittent breaks between oyster reef segment has been provided (2.i)
- ☐ Spill prevention and response plan has been developed (2.j)
- ☐ Design and materials used avoid entanglement and entrapment risks for ESA-listed species (2.k)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marine Debris Removal ○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the marine debris removal PDCs 1.a-1.c
- ☐ All on-water operations shall take place during daylight hours (PDC 2.a)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.b)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.c)
- ☐ Project personnel have been notified of procedures if approached by a marine mammal or sea turtle (PDC 2.d)
- ☐ Trash and debris will be disposed of at an upland location (PDCs 2.e)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Living Shorelines

○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the living shoreline PDCs 1.a-1.h
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ All in-water work activities will conducted during daylight hours (PDC 2.b)
- ☐ Piles for navigation of public safety purposes are less than 24" diameter and non-metal if impact hammer used (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.i)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marsh Creation and Enhancement

○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the marsh creation PDCs 1.a-1.f
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ All in-water work activities will be conducted during daylight hours (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (PDC 2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDCs 2.h)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Non-Fishing Piers

○ Yes ◉ No

- ☐ This project is designed to avoid locations listed in the non-fishing piers PDCs 1.a
- ☐ Spill prevention and response plan has been developed (PDC 2.a)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.b)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.c)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.d)
- ☐ Follow Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat (PDC 2.e)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.f)
- ☐ Follows methods and timing for pile driving (2.g)
- ☐ Follows construction sequencing and avoids propwashing (PDC 2.h)
- ☐ Water depth will not be altered (PDC 2.i)
- ☐ Lighting specifications are incorporated for piers on or adjacent to sea turtle nesting beaches (PDC 2.j)
- ☐ Follows educational and fishing signage requirements (PDC 2.k)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.l)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Check the box to confirm that all applicable requirements are met and a streamlined consultation with NMFS is requested: ☐

Name of person(s) completing this form:

Date form completed:

*You must receive NMFS approval before proceeding with your project *

BIOLOGICAL EVALUATIONS FORM ATTACHMENTS

ST. BERNARD STATE PARK

PROJECT DETAIL MAP
ST BERNARD PARISH, LOUISIANA

Proposed Alternative

- Entrance Station
- Pavillion
- Restroom/Bathhouse

1:6,000

Created By: JS
Project Number: 48078
Date: 3/19/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 350 700 Feet
0 230 460 690 Feet

ST. BERNARD STATE PARK
NWI MAP
ST BERNARD PARISH, LOUISIANA

Proposed Alternative
- Entrance Station
- Pavillion
- Restroom/Bathhouse

NWI Designation
- Freshwater Waterbody

1:6,000

Created By: JS
Project Number: 48078
Date: 4/20/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 350 700 Feet
0 230 460 690 Feet

BEST PRACTICES FROM THE PDARP/PEIS

The following section is a direct excerpt from Section 6, Appendix A in Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (DWH Trustees 2016).

Birds

Bald Eagles

If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, have all activities avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is no line of sight to the nest, then the minimum avoidance distance is 330 feet. Maintain this avoidance distance from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).

If a similar activity (such as driving on a roadway) is closer than 660 feet to a nest, maintain a distance buffer as close to the nest as the existing tolerated activity. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then maintain a distance buffer as close to the nest as the existing tolerated activity.

In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, stop the activity and move all individuals and equipment away until the eagles are no longer displaying disturbance behaviors. Contact the USFWS's Migratory Bird Permit Office to determine how to avoid impacts or if a permit may be needed.

Migratory Birds

Use care to avoid birds when operating machinery or vehicles near birds.

During the project design phase, coordinate with the USFWS and the state trust resource agency to site and design projects to avoid or minimize impacts to migratory bird nesting habitats or important feeding/loafing areas.

Avoid working in migratory bird nesting habitats during breeding, nesting, and fledging (approximately mid-February through late August). If project activities must occur during this timeframe and breeding, nesting, or fledging birds are present, contact the state trust resource agency to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations will be implemented.

Conservation areas may already be marked to protect bird nesting areas. Stay out of existing marked areas.

If vegetation clearing is necessary, clear vegetation outside the migratory bird nesting season (approximately mid-February through late August) or have a qualified biologist inspect for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nest successfully fledges.

Avoid driving over the natural organic material ("wrack") line or areas of dense seaweed, as these habitats may contain hatchlings and chicks that are difficult to see.

Install pointy, white piling caps on exposed pilings to prevent bird roosting on piers, docks, and marinas.

General Construction Measures

Site Maintenance and Conduct

Use the nearest, existing staging, access and egress areas, travel corridors, pathways, and roadways (including those provided by the state, local governments, land managers, trustee, or private property owner, with proper permissions) and do not create new staging areas, access (except dune walkovers) or egress, or travel corridors through dune habitats.

Limit driving on the beach for construction to the minimum necessary within the designated travel corridor–established just above or just below the primary "wrack" line. Avoid driving on the upper beach whenever possible, and never drive over any dunes or beach vegetation. Check with the USFWS and state trust resource agency for additional specific beach driving recommendations in Florida and Alabama.

Minimize construction noise to the maximum extent practicable when working near protected species and their habitats.

Maintain or improve all lighting regimes. Methods include working during daylight hours only, prohibiting lighting on dune walkovers, and using wildlife-friendly lighting where lighting is necessary for human safety.

Post signs at kiosks, ramps, and piers to provide visitors with information to avoid and minimize impacts to protected species and their habitats while recreating. Develop signs in coordination with NMFS, USFWS, and the local state trust resource agency.

Supply and maintain containers for waste fishing gear to avoid fish and wildlife entanglement.

Land and Vegetation Protection

Develop and implement an erosion control plan to minimize erosion during and after construction and where possible use vegetative buffers (100 feet or greater), revegetate with native species or annual grasses, and conduct work during dry seasons.

Develop and implement a spill prevention and response plan, including conducting daily inspections of all construction and related equipment to ensure there are no leaks of antifreeze, hydraulic fluid, or other substances and cleaning and sealing all equipment that would be used in the water to rid it of chemical residue. Develop a contract stipulation to disallow use of any leaking equipment or vehicles.

Prohibit use of hazardous materials, such as lead paint, creosote, pentachlorophenol, and other wood preservatives during construction in, over or adjacent to, sensitive sites during construction and routine maintenance.

Where landscaping is necessary or desired, use native plants from local sources. If non-native species must be used, ensure they are noninvasive and use them in container plantings.

Wetland and Aquatic Resource Protection

Complete an engineering design and post-construction inspection for projects where geomorphic elevations are restored in wetlands, marshes, and shallow water habitats to ensure the success of the restoration project. Manage elevation of fill material to ensure projected consolidation rates are accomplished and that habitat suitable for wetland and marsh vegetation is developed.

Avoid and minimize, to the maximum extent practicable, placement of dredged or fill material in wetlands and other aquatic resources.

Design construction equipment corridors to avoid and minimize impacts to wetlands and other aquatic resources to the maximum extent practicable.

To the maximum extent possible, implement the placement of sediment to minimize impacts to existing vegetation or burrowing organisms.

Apply herbicide in accordance with the direction and guidance provided on the appropriate U.S. Environmental Protection Agency (EPA) labels and state statutes during land-based activities.

Only use suitable borrow sites (i.e., those that do not contain Sargassum, SAV, or oysters) as dredging sites for sediment. Obtain sediments by beneficially using dredged material from navigation channels or by accessing material from approved offshore borrow areas. Sediments must closely match the chemical and physical characteristics of sediment at the restoration site. Additionally, use target borrow areas within reasonable proximity to suitable sites for sediment placement.

When local conditions indicate the likely presence of contaminated soils and sediments, test soil samples for contaminant levels and take precautions to avoid disturbance of, or provide for proper disposal of, contaminated soils and sediments. Evaluate methods prior to dredging to reduce the potential for impacts from turbidity or tarballs.

Perform maintenance of generators, cranes, and any other stationary equipment operated within 150 feet of any natural or wetland area, as necessary, to prevent leaks and spills from entering the water.

Designate a vehicle staging area removed from any natural surface water resource or wetland to perform fueling, maintenance, and storage of construction vehicles and equipment. Inspect vehicles and equipment daily prior to leaving the storage area to ensure that no petroleum or oil products are leaking.

Upon completion of construction activities, restore all disturbed areas as necessary to allow habitat functions to return. Create and manage public access developments to enhance recreational experience and educational awareness to minimize effects to habitat within wetland and shallow water areas and to the long-term health of related biological communities.

Use silt fencing where appropriate to reduce increased turbidity and siltation in the project vicinity. This would apply to both on land and in water work.

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Biological Evaluation Form

Deepwater Horizon Oil Spill Restoration

U.S. Fish and Wildlife Service & National Marine Fisheries Service

This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protect Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

A. Project Identification

Federal Action Agency: U.S. Fish and Wildlife Service

Additional Federal Action Agency: Select Most Appropriate

Agency Contact(s)

USFWS: Ashley Mills at 812-756-2712 and Ashley_Mills@fws.gov
NMFS: Christy Fellas at 727-551-5714 and Christina.Fellas@noaa.gov

I. *Implementing Trustee(s)*: The Town of Jean Lafitte

II. *Contact Person*: Lee Walker

III. *Phone*: (504) 913-1857

Email: lwalker@evans-graves.com

IV. *Project Name and ID# (Official name of project and ID number assigned by Trustees in DIVER)*: The Wetlands Center

V. *NMFS Office (Choose appropriate office based on project location)*: Select Most Appropriate

USFWS Office (Choose or write in appropriate office based on project location): Louisiana Ecological Services Field Office (Lafayette)

VI. *Project Type #1*: Promote Environmental Stewardship, Education, and Outrea

Project Type #2, if helpful: Select Most Appropriate

VII. *TIG*: Louisiana TIG

Restoration Plan: Recreational Use

B. Project Location

I. Physical Address of action area (If applicable)

The Proposed Project would be constructed at the trailhead of the Town of Jean Lafitte's Nature Study Trail, adjacent to Lafitte's Barataria Museum at 4917 City Park Drive, Jean Lafitte, Louisiana 70067.

II. *State & County/Parish of action area*

Jefferson Parish, Louisiana

III. *Latitude & Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees])*

29.738033 N, 90.123058 W

IV. Township, range and section of the action area

Township 15 South, Range 23 East, Section 15

C. Existing Compliance Documentation

NEPA Documents

Are there any existing draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project? ☑ Yes ☐ No

Examples:
-USACE programmatic NEPA analysis
-USACE Clean Water Act individual permit for the project
-NEPA analysis provided by a federal agency that gave approval, funding or authorization

Permits

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)? ☐ Yes ☑ No

If yes to any question above, please provide details in the text box (i.e. link to the NEPA document, or name of the document, year, lead federal agency, POC, copy of the permit or permit application, etc.). This is needed to check for consistency of the project scope across different sources and to facilitate the NEPA analysis. If you do not have a link, email the documents to the TIG representative for the Trustee designated as lead federal agency for the restoration plan.

Draft Restoration Plan/Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use

Any documentation or information provided will be very helpful in moving your project forward.

Name of Person Completing this Form:	Nicole Smolensky
Name of Project Lead:	
Date Form Completed:	01/23/2018
Date Form Updated:	04/23/2018

D. Description of Action Area

Attach a separate map delineating where the action will occur and where critical habitat, if any, is located. Map or describe all areas that may be directly or indirectly affected by the action. Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). If CH is not designated in the area, then map or describe any suitable habitat in the area.

The Proposed Project is located in Jefferson Parish approximately 14 miles south of New Orleans, in the central portion of Jefferson Parish between the Mississippi River and Lake Salvador. The approximately 1-acre Proposed Project is 1 mile east of the shores of Lake Salvador and approximately 6 miles west of the Mississippi River. The Bayou Cutler lies between the Proposed Project and Lake Salvador. South of the Proposed Project is The Pen, a permanent estuarine water body with an unconsolidated bottom (U.S. Fish and Wildlife Service [USFWS] 2018). Specifically, the Proposed Project is north and west of the California County Canal, east of Jean Lafitte Boulevard, and south of the Fleming Canal.

The Proposed Project is located in the Mississippi Alluvial Plain (73) Level III ecoregion and the Deltaic Coastal Marshes and Barrier Islands (73o) Level IV ecoregion (Daigle et al. 2006). The following information was obtained from Daigle et al. 2006 unless indicated otherwise. The Mississippi Alluvial Plain is mostly a broad, flat alluvial plain with river terraces, swales, and levees providing the main elements of relief. Elevation ranges from 0 to 15 feet above mean sea level, and local relief ranges from 0 to 10 feet. Winters are mild and summers are hot with minimum/maximum temperatures of 44˚F/64˚F and 72˚F/92˚F, respectively. Mean annual precipitation ranges from 64 to 66 inches. The ecoregion historically comprised bottomland deciduous forest with extensive wetlands, but much of it was cleared for cultivation. The Deltaic Coastal Marshes and Barrier Islands are dominated by brackish and saline marshes with vegetation such as saltmarsh cordgrass, marshhay cordgrass, black needlerush, and coastal saltgrass. Black mangrove occurs in a few areas, and some live oak is found on Grand Isle and along old natural levees. Soils are fine textured and poorly drained, although there are some areas of coarser, better-drained soils. Extensive organic deposits lie mainly below sea level in permanently flooded settings resulting in the development of mucky surfaced Histosols. Entisols may also be present. Soil series include Allemands, Kenner, Larose, Clovelly, Lafitte, Bancker, Scatlake, Timbalier, and Bellpass. Sediments of silts, clays, and peats contain large amounts of methane, oil, and hydrogen sulfide gas. Inorganic sediments found within the ecoregion are soft and have high water contents (Daigle et al. 2006).

The Proposed Project is located in Barataria Basin, Jefferson Parish. The entire basin is approximately 1,565,000 acres (Coastal Wetlands Planning, Protection and Restoration Act [CWPPRA] 2017). Freshwater inputs to the basin are primarily rainfall because the construction of levees along the Mississippi River have prevented freshwater and sediment inputs to the basin. Previous water quality inventory reports by the Louisiana Department of Environmental Quality (LDEQ) have listed suspected sources of water quality problems as crop production, pastureland, urban runoff, septic tanks, minor industrial point sources, petroleum activities, highway and maintenance runoff, hydromodification, and dredging (LDWF 2015). Based on the FINAL 2016 Louisiana Water Quality Inventory: Integrated Report (305(b)/303(d)) (LDEQ 2016), subsegment LA020802_00 (Bayou Barataria and Barataria Waterway), which includes the California County Canal and the Proposed Project, is listed as fully supporting the designated use for primary contact recreation, secondary contact recreation, and fish and wildlife propagation.

The Proposed Project consists of undeveloped bald cypress wooded marsh. The environment surrounding the Proposed Project is a transitional mix of estuarine and freshwater habitats consisting of palustrine, semi-permanently flooded bald cypress woodland marsh and ridges of American persimmon, swamp red maple, pumpkin ash, and buttonbush, flanked by to the south and east by a wax myrtle shrub marsh-surrounded deepwater subtidal estuarine canal (the California County Canal) with unconsolidated bottom, and adjacent residential development (USFWS 2017; Hop et al. 2017). Freshwater ponds and associated herbaceous marshes are also present in the vicinity (USFWS 2017). A levee runs along the western and southern areas of undeveloped land, separating the undeveloped flood side from the areas of residential development west and south of the levee, within and near the Proposed Project. Elevations within the flood side of the Proposed Project (east of the levee) range between 1 and 2 feet above mean sea level (amsl), whereas the levee is at 7 feet amsl, and the portion of the Proposed Project on the non-flood side ranges from 0 to 3 feet amsl. An approximately 1-mile-long elevated boardwalk (the "Nature Study Trail") runs through the Proposed Project and to the east, where it runs along the California County Canal before looping south and west back into the Proposed Project.

Although critical habitat is designated for Gulf sturgeon and piping plover (LA-5) within Jefferson Parish, they are located 20 miles north and 31.5 miles south of the Proposed Project, respectively. Gulf sturgeon critical habitat designation only applies to non-breeding habitats in eastern Lake Pontchartrain. Piping plover critical habitat designation only applies to suitable overwintering habitats on barrier islands and beaches in Barataria Bay (e.g., Elmers Island and Grand Isle).

Designated essential fish habitat (EFH) is not present within the Proposed Project. The Proposed Project is approximately 0.3 mile overland from Bayou Cutler and 3 miles upstream from the mapped EFH within Bayou Courage. EFH is designated within the Bayou Cutler and Bayou Courage for coastal migratory pelagic resources, red drum, reef fish, and shrimp (National Oceanic and Atmospheric Administration [NOAA] Fisheries 2018). See the attached map illustrating designated EFH.

a. *Waterbody*

If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.

The Proposed Project action area is adjacent (0.1 mile west) to the California County Canal, which is approximately 14 miles (by water) to Bay Dosgris via Bayou Cypress, Bayou Des Oies, and Bayou Cutler. The Proposed Project includes undeveloped palustrine, semi-permanently flooded bald cypress wooded marsh, with a freshwater pond located approximately 0.2 mile to the north (USFWS 2017). Please see attachment map illustrating the NWI dataset.

b. *Existing Structures*

If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.

An approximately 1-mile-long elevated boardwalk (the "Nature Study Trail") runs through the Proposed Project and to the east, where it runs along the California County Canal before looping south and west back into the Proposed Project. Two roofed structures are also located along the boardwalk.

c. *Seagrasses & Other Marine Vegetation*

If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.

The Proposed Project action area is located within freshwater systems that lack suitable environments for seagrass and other marine vegetation (Google Earth Imagery 2016) and is located outside of mapped distributions of submerged aquatic vegetation (Love et al. 2013; NOAA 2018). Therefore, surveys for seagrass are not scheduled for the Proposed Project.

d. *Mangroves*

If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for mangroves (Google Earth Imagery 2016) and is located outside of mapped distributions of mangroves (Love et al. 2013; NOAA 2018 b). Therefore, surveys for mangroves are not scheduled for the Proposed Project.

e. *Corals*

If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area.

The Proposed Project action area is surrounded by freshwater systems that lack suitable environments for corals (Google Earth Imagery 2016) and is located outside of mapped distributions (Love et al. 2013; NOAA 2018). Therefore surveys for these resources have not been conducted for this area nor are they scheduled for the Proposed Project project.

f. *Uplands*

If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).

The Proposed Project consists of predominantly bald cypress woodland marsh, with ridges of American persimmon, swamp red maple, pumpkin ash, and buttonbush, flanked by wax myrtle shrub marsh-surrounded estuarine canals.

g. *Marine Mammals*

If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see http://www.nmfs.noaa.gov/pr/sars/region.htm

The Proposed Project occurs in a woodland marsh habitat that would not be suitable for marine mammals.

E. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Similar exhibit developments typically take approximately 12 to 24 months from start to finish. If construction of the Proposed Project is included in natural resource damage assessment [NRDA] funding, time frames could be longer, subject to approval of permits and environmental review.

II. *Describe the Proposed Action: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods** needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas. ****If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.***

The Proposed Project would provide funding for a variety of museum-quality exhibits, interactive elements, meeting spaces, and digital media features at the center, including a reception area, combination classroom and film viewing theater with seating for approximately 80 students, small meeting rooms for private research, restoration and preservation of wetlands displays, interactive and static exhibit galleries, live interactive exhibits, large observation windows on all elevations, outdoor observation decks, an observation tower, a gift shop with snacks and drinks, a first aid station, and restrooms.

The Proposed Project would also provide funding for construction of the three-level Center and entry promenade. The promenade would be approximately 30 feet wide, with approximately 100 linear feet of promenade leading from the existing Multipurpose Resource Facility to the levee at City Park Drive, and approximately 300 linear feet of promenade crossing over the levee and remaining elevated on 8-inch-diameter treated wooden piers, spaced 16 feet across on center, until its connection to the existing trailhead of the elevated Nature Study Trail.

Conceptual designs for the 3,500-square-foot lower level of the Center proposes the building on raised piers. As the Proposed Project proceeds into more detailed design, the exact floor level height would be determined and confirmed in close collaboration with all involved agencies to address flood water levels. Parallel to the northern and eastern sides of the lower level, a clear, polyacrylic wall would be built 20 feet from the building, from just above water level to the water bottom. This polyacrylic wall would serve as a 3,000-square-foot retainer tank for aquatic wildlife viewing.

The 7,300-square-foot main level of the Center would be supported in part by the 3,500-square-foot lower level. Areas of the main level that are not directly above the lower level would be supported by 18-inch-diameter concrete piles. A 4,000-square-foot deck, supported by 8-inch-diameter treated wooden piles, would connect the entry promenade to the main level of the Center and the existing Nature Study Trail. An additional wooden deck would be added on the northeastern corner of the building. Additional viewing opportunities would be provided by a small third-level “lookout tower” above the main level.

An estimated 0.77 acre of vegetation clearing would be required within the footprint of the entry promenade, deck, and Center building, as well as a 10-foot construction buffer adjacent to one side of the promenade footprint and a 15-foot construction buffer around the entirety of the Center building footprint. Roughly 0.5 acre of clearing would be permanent. The remaining 0.27 acre of clearing would be short term and revegetated upon completion of construction. All of the structures would be pier supported, with the exception of the polyacrylic tank. Therefore, an estimated fifty-two 8-inch-diameter piers and sixteen 18-inch piers would be driven into the substrate. Construction methods for the piers would include the use of concrete and marine-grade pressure-treated large timber members and stainless-steel fasteners. The piers would likely be driven using an impact hammer pile (vibratory hammers are typically not used on timber piles) with standard equipment (e.g., crane, boom, set of leads, pile hammer, helmet, pile gate, and pile monkey).

The NRCS Soil Survey for Jefferson Parish, Louisiana (U.S. Department of Agriculture [USDA] 2018) identifies one soil map unit where construction would occur within the Proposed Project area: Barbary muck, 0 to 1 percent slopes, frequently flooded (BB). This soil variety is composed primarily of clay with substantial accumulation of organic matter within the topmost stratum and exhibits very poor natural drainage.

Please see the attached map of the Proposed Project.

III. *Specific In-Water and/or Terrestrial Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

a. *If applicable, Overwater Structures (Place your answers to the following questions in the box below.)*

i. *Is the proposed use of this structure for a docking facility or an observation platform?*

ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*

iii. *Use of "Dock Construction Guidelines"?* http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf

iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*

v. *Height above Mean High Water (MHW) elevation?*

vi. *Directional orientation of main axis of dock?*

vii. *Overwater area (sqft)?*

No over-water work is proposed.

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

The Proposed Project includes construction of a promenade, decks, and the Wetlands Education Center. Work within the wetland area will consist of driving timber pilings for the 300-foot-long elevated section of promenade and decks (approximately 14,800 square feet; 0.34 acre), and placement of the concrete piers for the Wetlands Education Center (approximately 7,300 square fee at the main [largest] level; 0.17 acre), totaling approximately 22,100 square feet (0.51 acre). The 3,000-square-foot (0.07-acre) retaining tank would also require supports along the polyacrylic walls.

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

No marinas or boat slips are proposed.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

This Proposed Project does not involve public or private boat ramp work.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

No shoreline armoring is proposed.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft^2) to be dredged, volume of material (yd^3) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles then describe the methods here.*

Dredging is not anticipated; however, digging to construct the facility would occur. An estimated 0.77 acre of vegetation clearing would be required within the footprint of the entry promenade, deck, and center building, as well as a 10-foot construction buffer adjacent to one side of the promenade footprint and a 15-foot construction buffer around the entirety of the center building footprint. Roughly 0.5 acre of clearing would be permanent. The remaining 0.27 acre of clearing would be temporary and revegetated upon completion of construction.

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

No blasting would be necessary or allowed during construction.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.*

No artificial reefs are present (LDWF 2013) nor proposed for the Proposed Project.

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

Fishing would not be allowed on the property.

F. NOAA Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under under NMFS jurisdiction, visit: http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
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Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

G. USFWS Species & Critical Habitat and Effects Determination Requested

1. *List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area.*
2. *Attach a separate map identifying species/critical habitat locations within the action area.*

For information on species and critical habitat under USFWS jurisdiction, visit http://www.fws.gov/endangered/species/.

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

SPECIES and/or **CRITICAL HABITAT**	**CH UNIT** (if applicable)	**LOCATION** (sea turtles and Gulf sturgeon only)	**DETERMINATION** (see definitions below)
Hawksbill sea turtle		Terrestrial	No Effect
Kemp's Ridley		Terrestrial	No Effect
Leatherback sea turtle		Terrestrial	No Effect
Loggerhead sea turtle		Terrestrial	No Effect
Piping plover		Select One	No Effect
Red knot		Select One	No Effect
West Indian manatee		Select One	No Effect
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
Select One		Select One	Select Most Appropriate
		Select One	Select Most Appropriate
		Select One	Select Most Appropriate

Determination Definitions

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources.

Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat.

Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

Critical Habitat No Destruction = When the proposed action will not diminish the value of critical habitat.

Critical Habitat Destruction or Adverse Modification = Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

H. Effects of the proposed project to the species and habitats

I. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

The Proposed Project would have No Effect on any of the listed species, including the West Indian manatee, piping plover, red knot, and the terrestrial life stages of the hawksbill, Kemp's Ridley, leatherback, and loggerhead sea turtles. This is based on the assumption that these species would not occur in the Proposed Project action area because of the absence of suitable deep-water marine or terrestrial beach, mudflat, or shoreline habitats; the Proposed Project action area is outside the current known range of these species, and no known occurrences have been documented within the general vicinity (NOAA 2018; Love et al. 2013; NatureServe 2016).

II. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

The Proposed Project action area is located outside designated critical habitat; therefore, no effects to critical habitat would occur.

I. Actions to Reduce Adverse Effects

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Species-specific best management practices (BMPs) from the Final PDARP/PEIS (DWH Trustees 2016:Section 6, Appendix A) that would be incorporated into the Proposed Project are included as an attachment.

Additionally, all individuals (such as construction workers) working on the Proposed Project would be provided with information on general awareness of any federally protected species that have the potential to occur in the Proposed Project action area. Seasonal avoidance measures will be implemented when practicable. If work must be conducted when these species are present, certain activities may be restricted or modified to reduce disturbance of these species (see attached BMPs).

The implementing trustee will implement and enforce approved BMPs listed in the attachment to avoid and minimize impacts to species listed in Sections F and G. Continued coordination of BMPs will occur during the final design phase.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

Designated critical habitat is not present within the Proposed Project. Therefore, no impacts to critical habitat would occur as a result of the proposed construction of recreational features, and no additional conservation measures are proposed other than the construction BMPs listed in the attachment below.

J. Marine Mammals

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g.,whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters? ☑ NO ☐ YES

Is your activity likely to impact the quality (e.g., salinity, temperature) of marine or estuarine waters? ✓ NO ☐ YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	
☐	☐	*a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz*
☐	☐	*b) In-water construction or demolition*
☐	☐	*c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)*
☐	☐	*d) In-water Explosive detonation*
☐	☐	e) *Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)*
☐	☐	*f) Aquaculture*
☐	☐	*g) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.*
☐	☐	*h) Restoration of barrier islands, levee construction or similar projects*
☐	☐	*i) Fresh-water river diversions*

III. If you checked "Yes" to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: http://www.nmfs.noaa.gov/pr/acoustics/faq.htm

IV. Are any measures planned to mitigate potential impacts to marine mammals? If yes, provide text in box below. NO ☑ YES ☐

K. Bald Eagles

Are bald eagles present in the action area? ☐ NO ☑ YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/ courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? ☐ NO ☑ YES

If these measures cannot be implemented, then you must contact the Service's Migratory Bird Permit Office.
Texas – (505) 248-7882 or by email: **permitsR2MB@fws.gov**
Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: **permitsR4MB@fws.gov**

L. Migratory Birds

Identify the species anticipated in the action area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). If species are present and impacts to individuals or habitat could occur, identify avoidance and minimization measures to prevent incidental take.
Incidental take of Migratory Birds cannot be authorized. Use additional tables on the next page if needed.

I.

Species/Species Group	Behavior	Species/Habitat Impacts and Conservation Measures to Minimize Impacts
American Golden-Plover	non breeder	The Proposed Project area is located within a region that includes the following birds of conservation concern (USFWS 2018). The construction effort may require tree clearing. During the Proposed Project design phase, coordination with the USFWS and the state trust resource agency will occur to site and design Proposed Project features to avoid or minimize impacts to migratory bird nesting habitats or important feeding and loafing areas. Vegetation clearing would take place outside of the migratory bird nesting season (approximately mid-February through mid-September) or a qualified biologist would inspect the area for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nestlings successfully fledge. If Proposed Project activities must occur during this time-frame and breeding, nesting, and fledging birds are present, the state trust resource agency would be contracted to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations would be implemented.
American Oystercatcher	breeder	
Bald Eagle	breeder	
Black Rail	breeder	
Black Skimmer	breeder	
Buff-Breasted Sandpiper	non breeder	
Clapper Rail	breeder	
Gull-Billed Tern	breeder	
King Rail	breeder	
Least Tern	breeder	
Lesser Yellowlegs	non breeder	
Long-Billed Curlew	non breeder	
Magnificent Frigate Bird	non breeder	
Marbled Godwit	non breeder	
Nelson's Sparrow	non breeder	
Prothonotary Warbler	breeder	
Reddish Egret	breeder	
Seaside Sparrow	breeder	
Semipalmated Sandpiper	non breeder	
Short-billed Dowitcher	non breeder	
Swallow-Tailed Kite	breeder	
Whimbrel	non breeder	
Willet	breeder	
Wilson's Plover	breeder	

M. Migratory Birds

Continuation page if needed.

II.	SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS and CONSERVATION MEASURES TO MINIMIZE IMPACTS

N. Best Practices

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173.
http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf
Use the box below to indicate which pratices you'll be using in your project.

PDARP/PEIS best practices that would be incorporated into the Proposed Project are attached.

O. Submitting the BE Form

NMFS ESA § 7 Consultation

We request that all ESA §7 consultation requests/packages be submitted electronically to: **Christina.Fellas@noaa.gov**

Questions about consultation status may be directed to the email address above or by phone: Christy Fellas: 727-551-5714

USFWS ESA § 7 Consultation

We request that all consultation requests/packages to USFWS be submitted electronically to: **Ashley_Mills@fws.gov**.

You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation.

Questions about consultation status may be directed to the email address above or by phone: Ashley Mills: 812-756-2712

Endangered Species Act Programmatic Biological Opinion

Deepwater Horizon Oil Spill Restoration

National Marine Fisheries Service

Complete this section **only** if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016. To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. By checking all boxes below that apply to this project you are confirming that PDCs are incorporated into the project design and construction. The entire Biological Evaluation Form must be completed and include any information necessary to verify that all applicable PDCs are incorporated into the project. If the project incorporates more than one type of restoration, check boxes in all appropriate categories.

Are you using this form to request approval for use of NMFS PDCs for this project? ○ Yes ◉ No

You must receive NMFS approval before proceeding with your project. Note that this PDC checklist does not apply to ESA consultation with USFWS.

Full text of the PDCs can be reviewed at: http://sero.nmfs.noaa.gov/protected_resources/section_7/freq_biop/documents/DWH_bo/appendix_a.pdf

Oyster Reef Creation and Enhancement ○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the oyster reef creation and enhancement PDCs 1.a-1.e.
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.c)
- ☐ In Gulf sturgeon critical habitat, oyster reef creation and enhancement occurs only on existing shell substrata or relic reef locations (PDC 2.d)
- ☐ Cultch material is free of debris and contaminants (PDC 2.e)
- ☐ Fresh shell has been properly aged or quarantined before being deployed (PDC 2.f)
- ☐ Cultch material is placed in a manner to minimize disturbance of sediment (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Plan/drawings for intermittent breaks between oyster reef segment has been provided (2.i)
- ☐ Spill prevention and response plan has been developed (2.j)
- ☐ Design and materials used avoid entanglement and entrapment risks for ESA-listed species (2.k)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marine Debris Removal ○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the marine debris removal PDCs 1.a-1.c
- ☐ All on-water operations shall take place during daylight hours (PDC 2.a)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.b)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.c)
- ☐ Project personnel have been notified of procedures if approached by a marine mammal or sea turtle (PDC 2.d)
- ☐ Trash and debris will be disposed of at an upland location (PDCs 2.e)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Living Shorelines

○ Yes ◉ No

- ☐ This project is designed to avoid techniques and locations listed in the living shoreline PDCs 1.a-1.h
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ All in-water work activities will conducted during daylight hours (PDC 2.b)
- ☐ Piles for navigation of public safety purposes are less than 24" diameter and non-metal if impact hammer used (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.h)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.i)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Marsh Creation and Enhancement

○ Yes ◉ No

- ☐ Project is designed to avoid techniques and locations listed in the marsh creation PDCs 1.a-1.f
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Conditions (PDC 2.a)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.b)
- ☐ All in-water work activities will be conducted during daylight hours (PDC 2.c)
- ☐ Spill prevention and response plan has been developed (PDC 2.d)
- ☐ Fill material is not sourced using hopper dredge or from sea turtle, Gulf sturgeon or smalltooth sawfish critical habitat and in-water borrow sites do not impact turtle nesting beaches (PDC 2.e)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.f)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.g)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDCs 2.h)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

Construction of Non-Fishing Piers

○ Yes ◉ No

- ☐ This project is designed to avoid locations listed in the non-fishing piers PDCs 1.a
- ☐ Spill prevention and response plan has been developed (PDC 2.a)
- ☐ Design and materials do not create entrapment or entanglement risks to ESA-listed species and do not block migration (PDC 2.b)
- ☐ Follows NMFS' Sea Turtle and Smalltooth Sawfish Construction Conditions (PDC 2.c)
- ☐ Follows NMFS' Vessel Strike Avoidance Measures and Reporting for Mariners (PDC 2.d)
- ☐ Follow Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat (PDC 2.e)
- ☐ In-water construction does not impede sea turtle access to or from nesting sites during nesting season (PDC 2.f)
- ☐ Follows methods and timing for pile driving (2.g)
- ☐ Follows construction sequencing and avoids propwashing (PDC 2.h)
- ☐ Water depth will not be altered (PDC 2.i)
- ☐ Lighting specifications are incorporated for piers on or adjacent to sea turtle nesting beaches (PDC 2.j)
- ☐ Follows educational and fishing signage requirements (PDC 2.k)
- ☐ Methods are employed to avoid turbidity impacts to ESA-listed species (PDC 2.l)
- ☐ Monitoring plan is included and final reports will be submitted to NMFS (PDC 3 and 4)

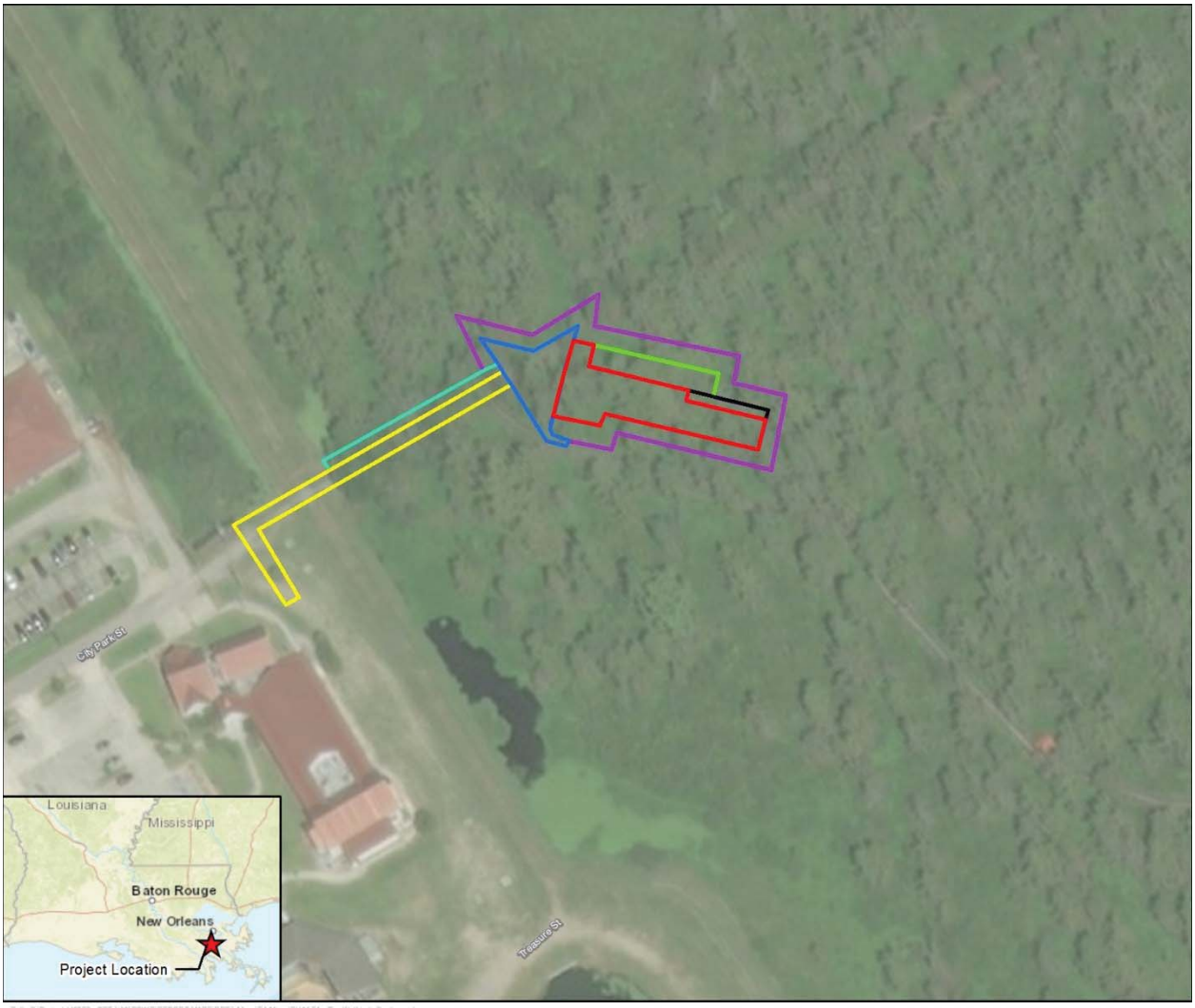
Check the box to confirm that all applicable requirements are met and a streamlined consultation with NMFS is requested: ☐

Name of person(s) completing this form:

Date form completed:

*You must receive NMFS approval before proceeding with your project *

BIOLOGICAL EVALUATIONS FORM ATTACHMENTS



THE WETLANDS CENTER

PROJECT DETAIL MAP
JEFFERSON PARISH, LOUISIANA

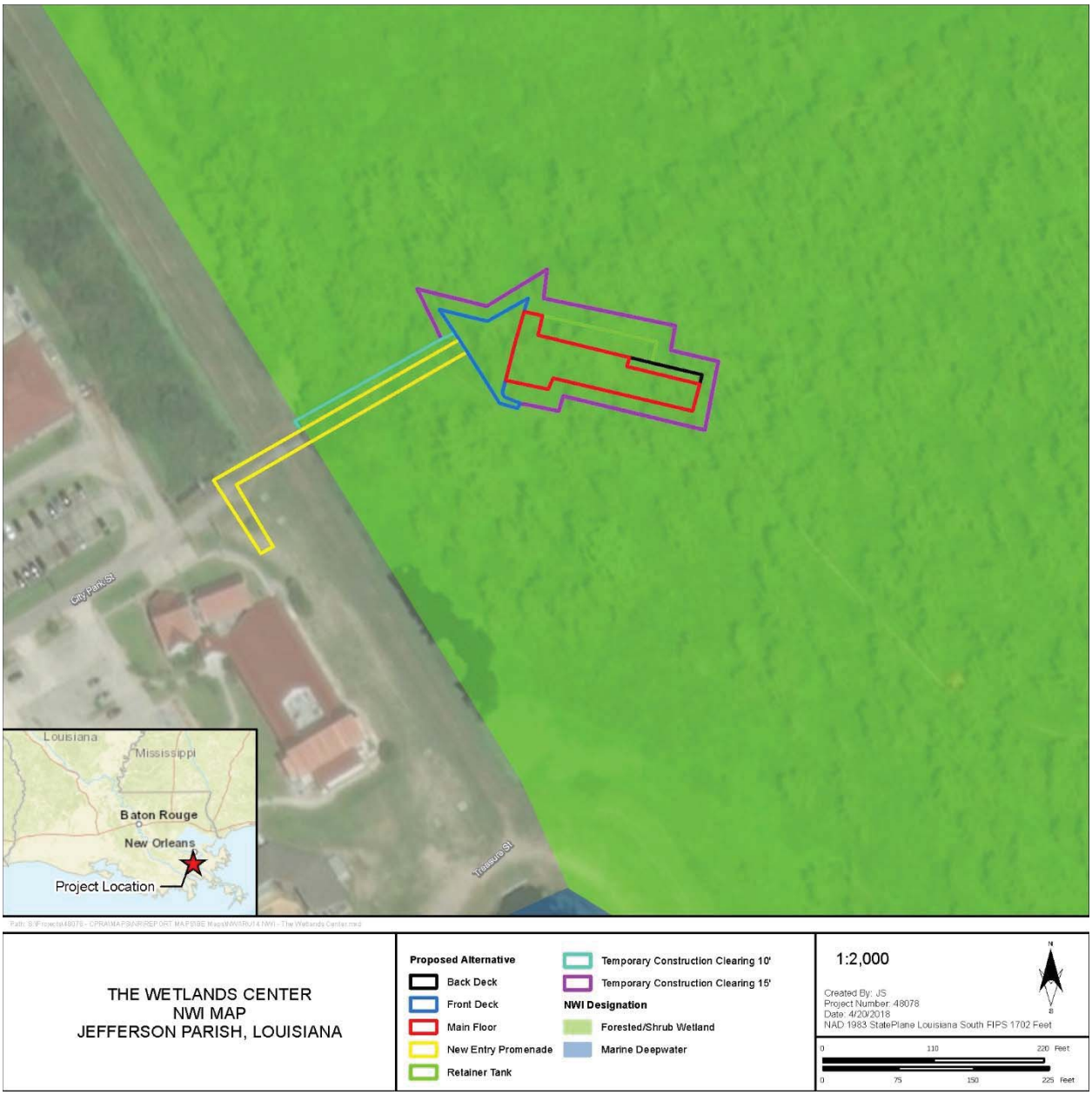
Proposed Alternative

- Back Deck
- Front Deck
- Main Floor
- New Entry Promenade
- Retainer Tank
- Temporary Construction Clearing 10'
- Temporary Construction Clearing 15'

1:2,000

Created By: JS
Project Number: 48078
Date: 3/19/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 110 220 Feet
0 75 150 225 Feet



THE WETLANDS CENTER
NWI MAP
JEFFERSON PARISH, LOUISIANA

Proposed Alternative
- Back Deck
- Front Deck
- Main Floor
- New Entry Promenade
- Retainer Tank
- Temporary Construction Clearing 10'
- Temporary Construction Clearing 15'

NWI Designation
- Forested/Shrub Wetland
- Marine Deepwater

1:2,000

Created By: JS
Project Number: 48078
Date: 4/20/2018
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

0 110 220 Feet
0 75 150 225 Feet

BEST PRACTICES FROM THE PDARP/PEIS

The following section is a direct excerpt from Section 6, Appendix A in Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (DWH Trustees 2016).

Birds

Bald Eagles

If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, have all activities avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is no line of sight to the nest, then the minimum avoidance distance is 330 feet. Maintain this avoidance distance from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).

If a similar activity (such as driving on a roadway) is closer than 660 feet to a nest, maintain a distance buffer as close to the nest as the existing tolerated activity. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then maintain a distance buffer as close to the nest as the existing tolerated activity.

In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, stop the activity and move all individuals and equipment away until the eagles are no longer displaying disturbance behaviors. Contact the USFWS's Migratory Bird Permit Office to determine how to avoid impacts or if a permit may be needed.

Migratory Birds

Use care to avoid birds when operating machinery or vehicles near birds.

During the project design phase, coordinate with the USFWS and the state trust resource agency to site and design projects to avoid or minimize impacts to migratory bird nesting habitats or important feeding/loafing areas.

Avoid working in migratory bird nesting habitats during breeding, nesting, and fledging (approximately mid-February through late August). If project activities must occur during this timeframe and breeding, nesting, or fledging birds are present, contact the state trust resource agency to obtain the most recent guidance to protect nesting birds or rookeries, and their recommendations will be implemented.

Conservation areas may already be marked to protect bird nesting areas. Stay out of existing marked areas.

If vegetation clearing is necessary, clear vegetation outside the migratory bird nesting season (approximately mid-February through late August) or have a qualified biologist inspect for active nests. If no active nests are found, vegetation may be removed. If active nests are found, vegetation may be removed after the nest successfully fledges.

Avoid driving over the natural organic material ("wrack") line or areas of dense seaweed, as these habitats may contain hatchlings and chicks that are difficult to see.

Install pointy, white piling caps on exposed pilings to prevent bird roosting on piers, docks, and marinas.

Invasive Species

Develop and implement a Hazard Analysis and Critical Control Points (HACCP) plan to prevent and control invasive species. Use (ASTM E2590−08) or other version of HACCP or other similar planning tool.

Implement an Integrated Pest Management (IPM) approach to facility design, sanitation, and maintenance to prevent and control invasive and pest species.

Inspect sites, staging, and buffer areas for common invasive species prior to the onset of work. Map any invasive species detected and note qualitative or quantitative measures regarding abundance.

Implement a control plan, if necessary, to ensure these species do not increase in distribution or abundance at a site due to project implementation. Inspect sites periodically to identify and control new colonies/individuals of an invasive species not previously observed prior to construction.

Prior to bringing any equipment (including personal gear, machinery, vehicles, or vessels) to the work site, inspect each item for mud or soil, seeds, and vegetation. If present, clean the equipment, vehicles, or personal gear until they are free from mud, soil, seeds, and vegetation. Inspect the equipment, vehicles, and personal gear each time they are being prepared to go to a site or prior to transferring between sites to avoid spreading exotic, nuisance species.

Place and maintain predator-proof waste receptacles in strategic locations during project implementation to prevent an increase in predator abundance. For projects designed to enhance or increase visitor use, maintain predator-proof waste receptacles for the life of the project.

Have the appropriate state agency inspect any equipment or construction materials for invasive species prior to use.

Inspect and certify propagated or transplanted vegetation as pest and disease free prior to planting in restoration project areas.

General Construction Measures

Piling Installation

Push pilings into soft, bottom substrate to reduce noise from installation; do not drive and hammer pilings into bottom substrate unless necessary for proper construction.

Protected Species

Provide all individuals working on a project with information in support of general awareness of and means to avoid impacts to protected species and their habitats present at the specific project site.

Survey for other at-risk or imperiled species. If found on site, contact the USFWS and state trust resource agency to determine if avoidance or minimization measures or a Candidate Conservation Agreement with Assurances may be appropriate.

Site Maintenance and Conduct

Use the nearest, existing staging, access and egress areas, travel corridors, pathways, and roadways (including those provided by the state, local governments, land managers, trustee, or private property owner, with proper permissions) and do not create new staging areas, access (except dune walkovers) or egress, or travel corridors through dune habitats.

Limit driving on the beach for construction to the minimum necessary within the designated travel corridor–established just above or just below the primary "wrack" line. Avoid driving on the upper beach whenever possible, and never drive over any dunes or beach vegetation. Check with the USFWS and state trust resource agency for additional specific beach driving recommendations in Florida and Alabama.

Minimize construction noise to the maximum extent practicable when working near protected species and their habitats.

Maintain or improve all lighting regimes. Methods include working during daylight hours only, prohibiting lighting on dune walkovers, and using wildlife-friendly lighting where lighting is necessary for human safety.

Post signs at kiosks, ramps, and piers to provide visitors with information to avoid and minimize impacts to protected species and their habitats while recreating. Develop signs in coordination with NMFS, USFWS, and the local state trust resource agency.

Supply and maintain containers for waste fishing gear to avoid fish and wildlife entanglement.

Land and Vegetation Protection

Develop and implement an erosion control plan to minimize erosion during and after construction and where possible use vegetative buffers (100 feet or greater), revegetate with native species or annual grasses, and conduct work during dry seasons.

Develop and implement a spill prevention and response plan, including conducting daily inspections of all construction and related equipment to ensure there are no leaks of antifreeze, hydraulic fluid, or other substances and cleaning and sealing all equipment that would be used in the water to rid it of chemical residue. Develop a contract stipulation to disallow use of any leaking equipment or vehicles.

Prohibit use of hazardous materials, such as lead paint, creosote, pentachlorophenol, and other wood preservatives during construction in, over or adjacent to, sensitive sites during construction and routine maintenance.

Where landscaping is necessary or desired, use native plants from local sources. If non-native species must be used, ensure they are noninvasive and use them in container plantings.

Wetland and Aquatic Resource Protection

Complete an engineering design and post-construction inspection for projects where geomorphic elevations are restored in wetlands, marshes, and shallow water habitats to ensure the success of the restoration project. Manage elevation of fill material to ensure projected consolidation rates are accomplished and that habitat suitable for wetland and marsh vegetation is developed.

Avoid and minimize, to the maximum extent practicable, placement of dredged or fill material in wetlands and other aquatic resources.

Design construction equipment corridors to avoid and minimize impacts to wetlands and other aquatic resources to the maximum extent practicable.

To the maximum extent possible, implement the placement of sediment to minimize impacts to existing vegetation or burrowing organisms.

Place protective warning signs and buoys around at-risk habitats for infrastructure projects that could increase recreational uses in SAV or oyster areas.

Apply herbicide in accordance with the direction and guidance provided on the appropriate U.S. Environmental Protection Agency (EPA) labels and state statutes during land-based activities.

When local conditions indicate the likely presence of contaminated soils and sediments, test soil samples for contaminant levels and take precautions to avoid disturbance of, or provide for proper disposal of, contaminated soils and sediments. Evaluate methods prior to dredging to reduce the potential for impacts from turbidity or tarballs.

Perform maintenance of generators, cranes, and any other stationary equipment operated within 150 feet of any natural or wetland area, as necessary, to prevent leaks and spills from entering the water.

Designate a vehicle staging area removed from any natural surface water resource or wetland to perform fueling, maintenance, and storage of construction vehicles and equipment. Inspect vehicles and equipment daily prior to leaving the storage area to ensure that no petroleum or oil products are leaking.

Upon completion of construction activities, restore all disturbed areas as necessary to allow habitat functions to return. Create and manage public access developments to enhance recreational experience and educational awareness to minimize effects to habitat within wetland and shallow water areas and to the long-term health of related biological communities.

Use silt fencing where appropriate to reduce increased turbidity and siltation in the project vicinity. This would apply to both on land and in water work.

Make all efforts to reduce the peak sound level and exposure levels of fish to reduce the potential impact of sound on fish present in the project areas.

Use a vibratory hammer whenever possible to reduce peak sound pressure levels in the aquatic environment.

Use sound attenuation devices where practicable for pulse noise (impact hammers) to reduce peak sound pressure levels in the aquatic environment.

Stipulate the timing of activities to avoid impacts to spawning fish and eggs/larvae.

Use best practices to reduce turbidity, such as turbidity blankets, to reduce the potential impact of turbidity on finfish.

Screen water withdrawal pipes to minimize potential entrainment of fish from the withdrawal area. Have project proponents coordinate with NMFS to create an intake screen that would minimize potential impingement of fish.

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