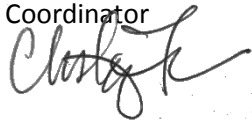




MEMORANDUM FOR: FILE

FROM: Christy Fellas, DWH Environmental Compliance Coordinator
NOAA Restoration Center, Southeast Region 

DATE: May 1, 2018

SUBJECT: Projects Proposed in Alabama Trustee Implementation Group
Restoration Plan #2 and Environmental Assessment: ESA No Effect
Determination

Under the Endangered Species Act (ESA) Section 7(a)(2), each Federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species, or destroy/adversely modify designated critical habitat. If a Federal agency determines that a Federal action will have no effect on ESA-listed species or designated critical habitat, then the Federal agency is not required to consult with NMFS for purposes of ESA. This memo does not include any conclusions or determinations for ESA-listed species under the jurisdiction of USFWS.

Based on my review of project materials (Fall 2017- Spring 2018) and in coordination with representatives from NOAA's Protected Resource Division (PRD) in the South East Regional Office (SERO) and the Office of Protected Resources, the NOAA Restoration Center determined that the projects described below and proposed for implementation in the Trustee Implementation Group Restoration Plan #2 and Environmental Assessment, do not require further ESA consultation. Should any project be modified in a way that could adversely affect ESA-listed species or their designated critical habitat in a way that that is not covered in an existing consultation, this determination will be re-evaluated as appropriate.

Coastal Alabama Sea Turtle Triage and Treatment Center

This project involves the construction of a new sea turtle triage and treatment center in the City of Orange Beach, Alabama. The triage facility is located on an upland site, thus there will be no effects on marine life stages of sea turtles or gulf sturgeon. The building of this facility does not change the need for response, but rather provides a location to take stranded turtles. Any stranding response (and related handling of ESA-listed sea turtles) that results in a transfer of a sea turtle to this facility is covered under the existing Alabama sea turtle stranding and salvage network (STSSN) permit. Once the facility is operational, an application will be submitted to USFWS for the care of sea turtles – this is not under the jurisdiction of NMFS. Based on this information, no further ESA consultation is required with NMFS.



Coastal Alabama Sea Turtle Habitat Usage and Population Dynamics

This project involves coastal Alabama's sea turtle conservation program, which operates across all sea turtle nesting beaches of the Alabama coast. Specifically, the project would use biological, genetic and stable isotope analyses to study sea turtle migration patterns, habitat use, human threats, and life history parameters for sea turtles using Alabama waters. This work would be conducted under NMFS 10(a)(1)(A) Permit No. 17304-03, issued on September 20, 2013, to Dr. Kristen Hart (Principal Investigator, USGS) to annually capture and handle sea turtles. On September 20, 2013 NMFS issued a biological opinion (BO) on the effects of the proposed research carried out under 10(a)(1)(A) Permit No. 17304-03. The BO concluded that the issuance of the permit as proposed is likely to adversely affect, but not likely to jeopardize the continued existence of loggerhead sea turtles (Northwest Atlantic Ocean DPS), green sea turtles (both the Florida breeding population and rangewide listing), Kemp's ridley sea turtles, or hawksbill sea turtles. In addition, the proposed permit is not likely to adversely affect any designated critical habitat under NMFS jurisdiction. The BO also concluded that the action as proposed is not likely to adversely affect gulf sturgeon or their designated critical habitat.

Based on this information, no further ESA consultation with NMFS is required as the projects are covered by an existing NMFS consultation.