Bill, May 24, 2018

The DOI Deepwater Horizon Gulf Restoration Office is working through various environmental compliance consultations on post-settlement proposed restoration alternatives in Alabama. First, we would like to thank you for all your efforts in the ESA Section 7 consultations your office has conducted for the gulf restoration projects. We are now working on the Coastal Barrier Resources Act consistency determinations for proposed projects. The Alabama Trustee Implementation Group (AL TIG) is currently evaluating twenty-two actions under the draft "AL TIG Draft Restoration Plan II / Environmental Assessment – Restoration of Wetlands, Coastal, and Near Shore Habitats; Habitat Projects on Federally Managed Lands; Nutrient Reduction (Nonpoint Source); Sea Turtles; Marine Mammals; Birds; and Oysters (RP/ES). The Draft RP/ES was made available for public comment on April 5, 2018. If the AL TIG selects these projects, or any combination of projects, after consideration of public comment, the AL TIG partners would implement the projects.

We used the Coastal Barrier Resources System mapper – Beta (http://www.fws.gov/cbra/Maps/Mapper.html [accessed April 30. 2018]) to determine if proposed actions are located within an Otherwise Protected Area (OPA) or within a System Unit (CBRS). If the proposed actions occur in an Otherwise Protected Area or outside of a System Unit, no additional analysis was developed.

The table below summarizes the 22 proposed actions and our CBRA consistency determination. These projects are briefly described below, and shown in Figures 1-23.

Proposed Projects	**CBRA Consistency Determination**
Southwestern Coffee Island Habitat Restoration Project - Phase I	Does not occur within any CBRS unit.
Colonial Nesting Wading Bird Tracking and Habitat Use Assessment	Does not occur within any CBRS unit.
Restoring the Night Sky – Assessment, Training, and Outreach (E&D)	Encompasses all sea turtle nesting beaches in Alabama. Potential actions could occur within the following CBRS units and OPAs: CBRS Units: Q01, Q01A, Q02 OPAs: AL-01P, AL-02P, Al-05P, Q01P, Q02P
Little Lagoon Living Shorelines	Occurs within OPA Q01P, no additional analysis required.
Assessment of Alabama Estuarine Bottlenose Dolphin Populations and Health	Encompasses a large area of Mobile Bay and Perdido Bay. Potential actions could occur within the following CBRS units and OPAs: CBRS Units AL-03, Q01, Q02 OPAs: AL-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P

Alabama Estuarine Bottlenose Dolphin Protection: Enhancement and Education	Includes all coastal and estuarine waters in Alabama. Potential actions could occur within the following CBRS units and OPAs: CBRS Units AL-03, Q01, Q01A, Q02 OPAs: AL-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P
Enhancing Capacity for the Alabama Marine Mammal Stranding Network	Includes all coastal and estuarine waters in Alabama. Potential actions could occur within the following CBRS units and OPAs: CBRS Units AL-03, Q01, Q01A, Q02 OPAs: AL-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P
Fowl River Nutrient Reduction Project	Does not occur within any CBRS unit.
Toulmins Spring Branch Engineering and Design	Does not occur within any CBRS unit.
Weeks Bay Nutrient Reduction Project	Does not occur within any CBRS unit.
Oyster Cultch Relief and Reef Configuration Study	Does not occur within any CBRS unit.
Oyster Hatchery at Claude Peteet Mariculture Center	Does not occur within any CBRS unit.
Side-Scan Mapping of Mobile Bay Relic Oyster Reefs	Partially occurs within CBRS Q02 and OPA Q02P.
Establishment of protected oyster gardening program grow out areas	Partially occurs within CBRS Q01.
Alabama Sea Turtle Protection: Enhancement and Education	Encompasses all sea turtle nesting beaches and state waters in Alabama. Potential actions could occur within the following CBRS units and OPAs: CBRS Units: AL-03, Q01, Q01A, Q02 OPAs: AL-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P
CAST Conservation Program Transfer and Expansion	Encompasses all sea turtle nesting beaches in Alabama. Potential actions could occur within the following CBRS units and OPAs: CBRS Units: Q01, Q01A, Q02 OPAs: AL-01P, AL-02P, Al-05P, Q01P, Q02P
Coastal Alabama Sea Turtle Habitat Usage and Population Dynamics	Encompasses all sea turtle nesting beaches and state waters in Alabama. Potential actions could occur within the following CBRS units and OPAs: CBRS Units: AL-03, Q01, Q01A, Q02 OPAs: AL-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P

Coastal Alabama Sea Turtle Triage and Treatment Center	Occurs within OPA AL-02P, no additional analysis required.
Weeks Bay Land Acquisition-East Gateway Tract	Does not occur within any CBRS unit.
Weeks Bay Land Acquisition-Harrod Tract	Does not occur within any CBRS unit.
Magnolia River Land Acquisition-Holmes Tract	Does not occur within any CBRS unit.
Lower Perdido Islands Restoration Phase I (Engineering and Design)	Does not occur within any CBRS unit.

1. Southwestern Coffee Island Habitat Restoration Project - Phase I

This project would support planning activities for the restoration and creation of nesting habitat for colonial nesting water birds, in addition to tidal wetlands along the southwestern shoreline of Coffee Island, located in Mississippi Sound in south Mobile County, Alabama. This project would include two tasks. The first task would be to perform data synthesis and assessment of colonial-nesting birds on the Gulf Coast. The second task would include conducting engineering, design, and regulatory compliance.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

Figure 1. Southwestern Coffee Island Habitat Restoration Project - Phase I project area in south Mobile County.

2. Colonial Nesting Wading Bird Tracking and Habitat Use Assessment

This project would involve a four-year study designed to provide information about wading bird populations that breed on the Alabama Gulf Coast. The study proposes a telemetry tracking study of the movements of up to four bird species breeding along the Alabama coast—tricolored heron, little blue heron, cattle egret and white ibis. The project objective is to better understand the extent to which declines in colonial nesting wading bird populations result from habitat limitations versus other potential causes such as increased prevalence of predators or human disturbance.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

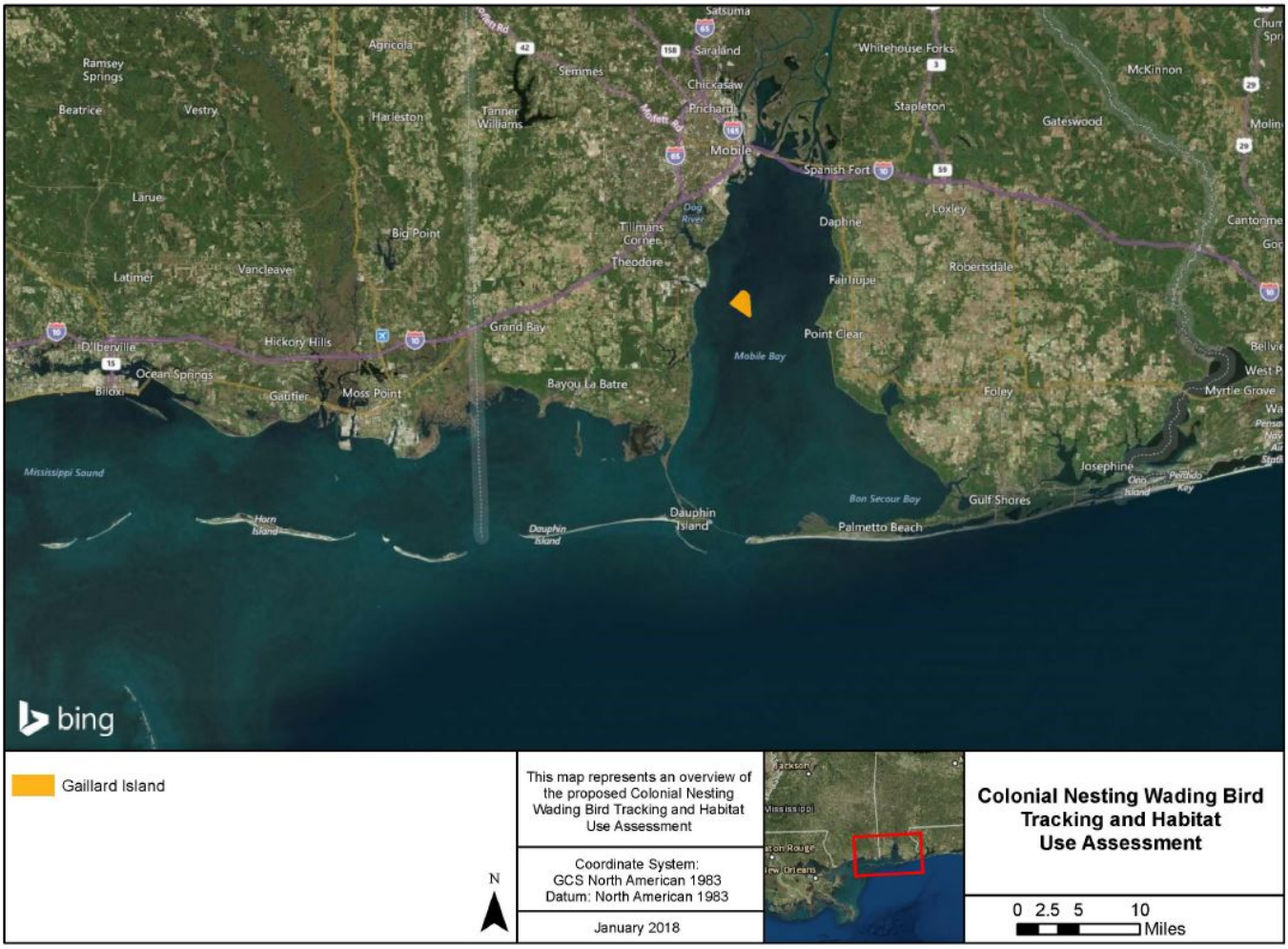

Figure 2. Colonial Nesting Wading Bird Tracking and Habitat Use Assessment project area on the Alabama Gulf Coast.

3. Restoring the Night Sky – Assessment, Training, and Outreach (E&D)

This project aims to address the issue of light pollution on the Alabama coast by upgrading lighting practices in Baldwin and Mobile counties in Alabama. The first phase of the project would have three primary objectives: (1) assessing the issue of light pollution on the Alabama coast; (2) developing a detailed strategy to improve the identified problematic lighting; and (3) working with local governments to improve their understanding and capacity to address lighting concerns in the future.

Consistency Analysis

The project area encompasses all sea turtle nesting beaches in Alabama. Project actions could potentially occur within the following CBRS units and OPAs: There is a potential for project actions to occur within multiple CBRS units and Otherwise Protected Areas: CBRS Units Q01, Q01A, Q02 and OPAs AL-01P, AL-02P, Al-05P, Q01P, Q02P. The project actions include assessment, training and outreach to upgrade lighting practices and reduce light pollution to benefit sea turtles and other wildlife. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this proposed action is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

We are requesting your concurrence with our consistency determination.

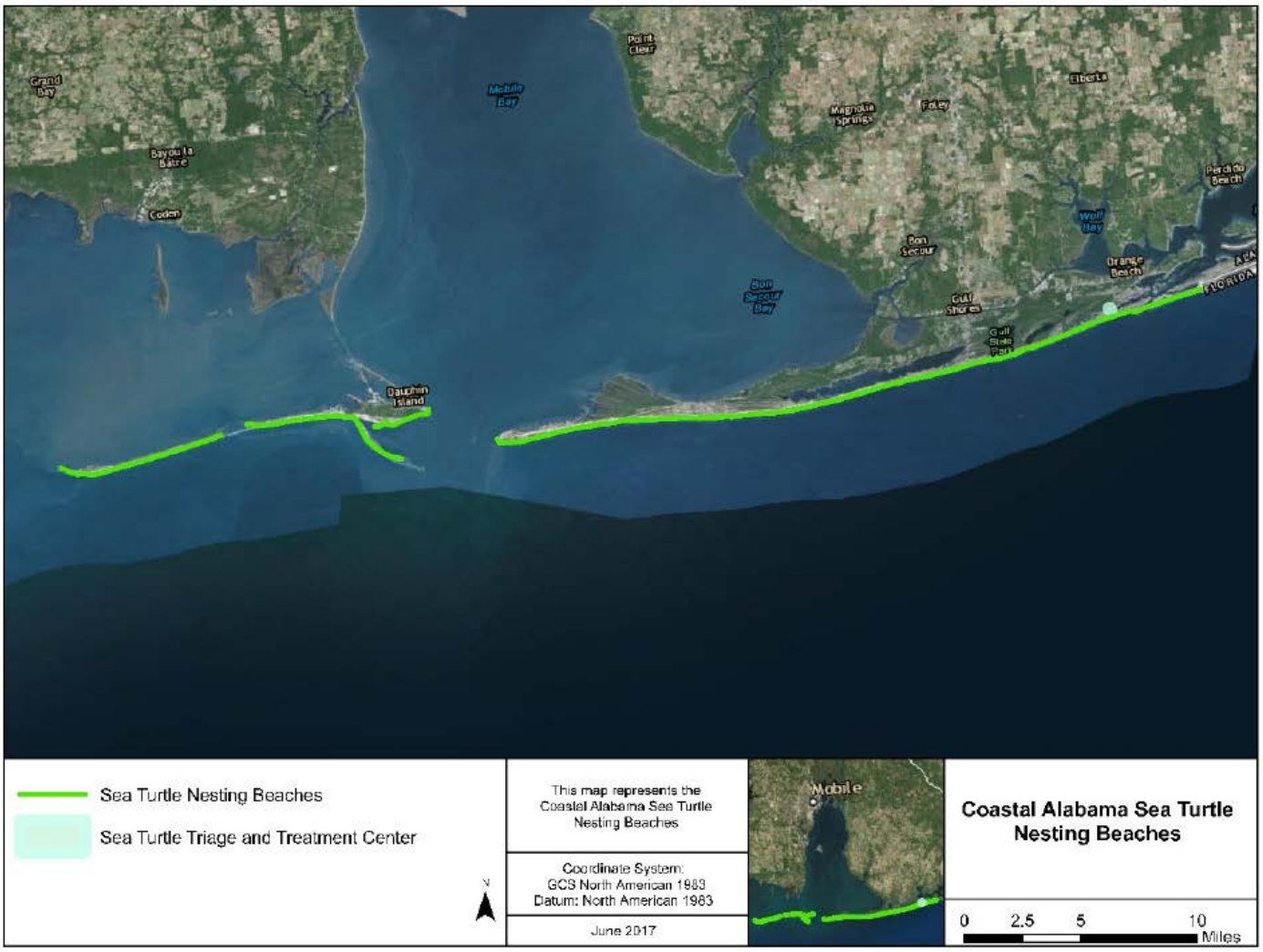

Figure 3. Restoring the Night Sky project area in Baldwin and Mobile Counties, encompassing all sea turtle nesting beaches in Alabama.

4. Little Lagoon Living Shorelines

The Little Lagoon Living Shoreline project aims to restore a minimum of 2,200 feet of shoreline of Little Lagoon, on Bon Secour National Wildlife Refuge (BSNWR), to the west of Gulf Shores, Alabama. Little Lagoon is a shallow body of brackish water, 10 miles long and 0.5 mile wide, and the targeted length of shoreline is actively eroding, threatening the adjacent Pine Beach Road. Few viable options exist to move/repair the road. Construction of a living shoreline would protect habitat on adjacent federal land by buffering the shoreline against erosion.

Consistency Analysis

The proposed action occurs within OPA Q01P, therefore no additional analysis was developed.

Figure 4. Little Lagoon Living Shorelines project area in Gulf Shores, Alabama.

5. Assessment of Alabama Estuarine Bottlenose Dolphin Populations and Health

This project would conduct a study in Mobile Bay and Perdido Bay to: (1) investigate the seasonal (summer/winter) abundance, distribution, and habitat use of bottlenose dolphin on the Alabama coast; and (2) assess dolphin condition following the DWH oil spill using field observation and remote biopsy sampling. This research would provide valuable post-spill data for bottlenose dolphins, a largely unstudied top predator in Alabama waters.

Consistency Analysis

The project area encompasses a large portion of Mobile Bay and Perdido Bay in coastal Alabama. Project actions could potentially occur within the following CBRS units and OPAs: CBRS Units AL-03, Q01, Q02 and OPAs Al-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P. The project actions include monitoring and research. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this proposed action is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

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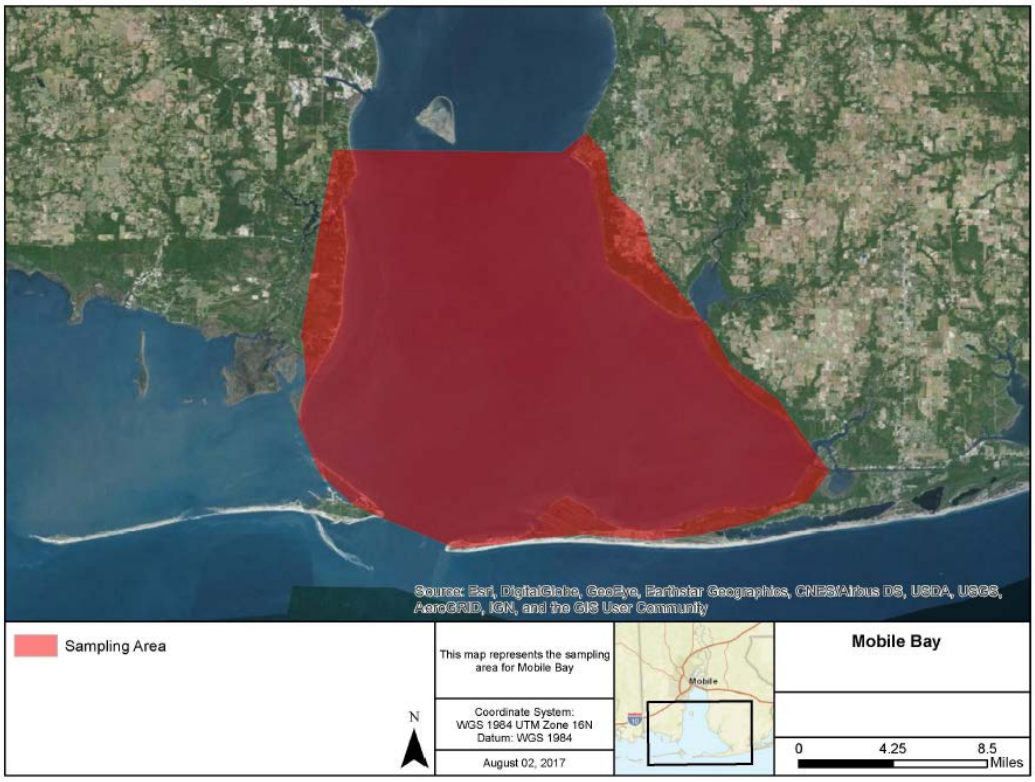

Figure 5. Estuarine Bottlenose Dolphin Populations and Health project area in Mobile Bay, Alabama.

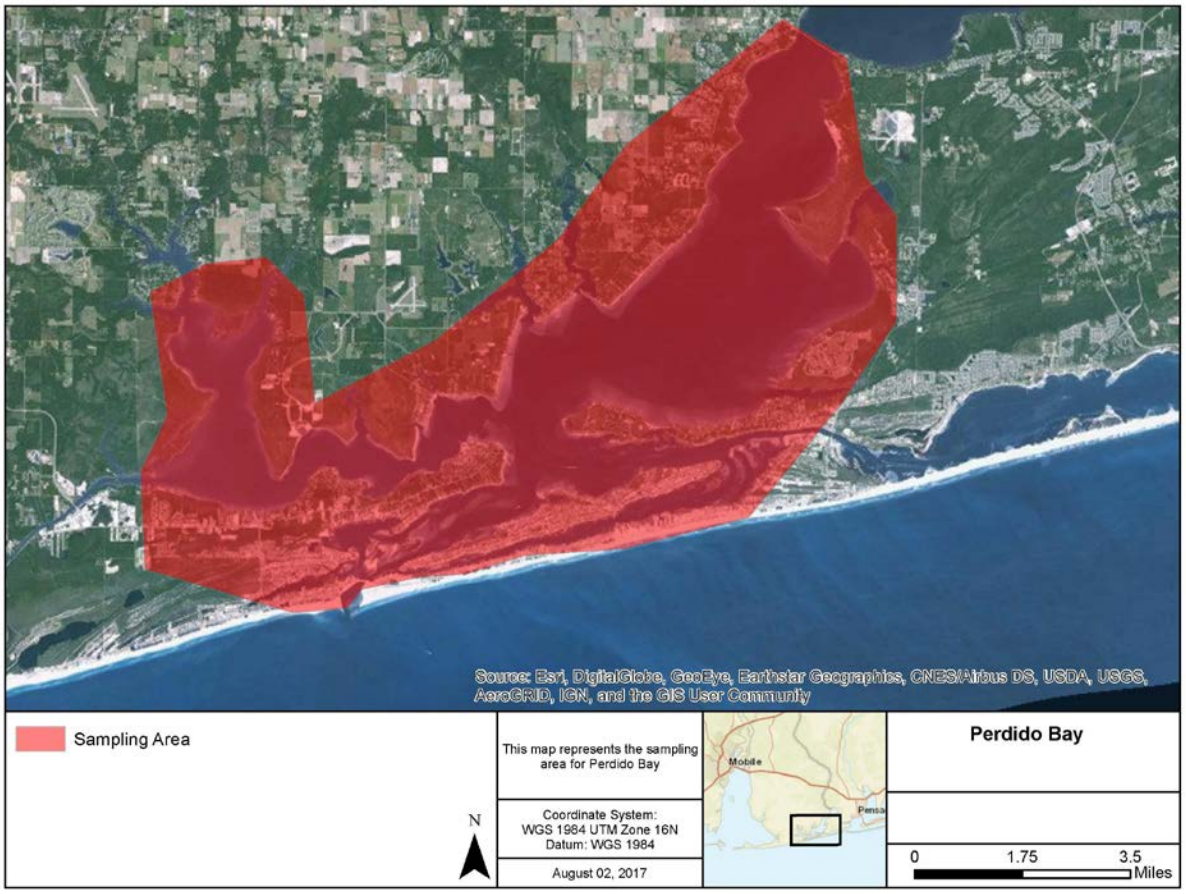

Figure 6. Estuarine Bottlenose Dolphin Populations and Health project area in Perdido Bay, Alabama.

6. Alabama Estuarine Bottlenose Dolphin Protection: Enhancement and Education

This project would enhance state enforcement of the Marine Mammal Protection Act (MMPA) in Alabama state waters by: (1) increasing resources for state enforcement agencies to dedicate toward MMPA-related activities, and (2) increasing awareness and understanding of the MMPA through education to assist state enforcement efforts. This project would also enhance public knowledge of marine mammal protection and the MMPA by: (1) contracting with a company who will conduct a social science survey, which will inform the (2) creation of a targeted education and outreach program for the Alabama coast. This program will inform the public and vessel operators about the harmful effects of illegal feeding and harassment of marine mammals in the Gulf of Mexico.

Consistency Analysis

The project area includes all coastal and estuarine waters coastal Alabama. Project actions could potentially occur within the following CBRS units and OPAs: CBRS Units AL-03, Q01, Q01A, Q02 and OPAs Al-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P. The project actions include education and outreach. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this proposed action is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

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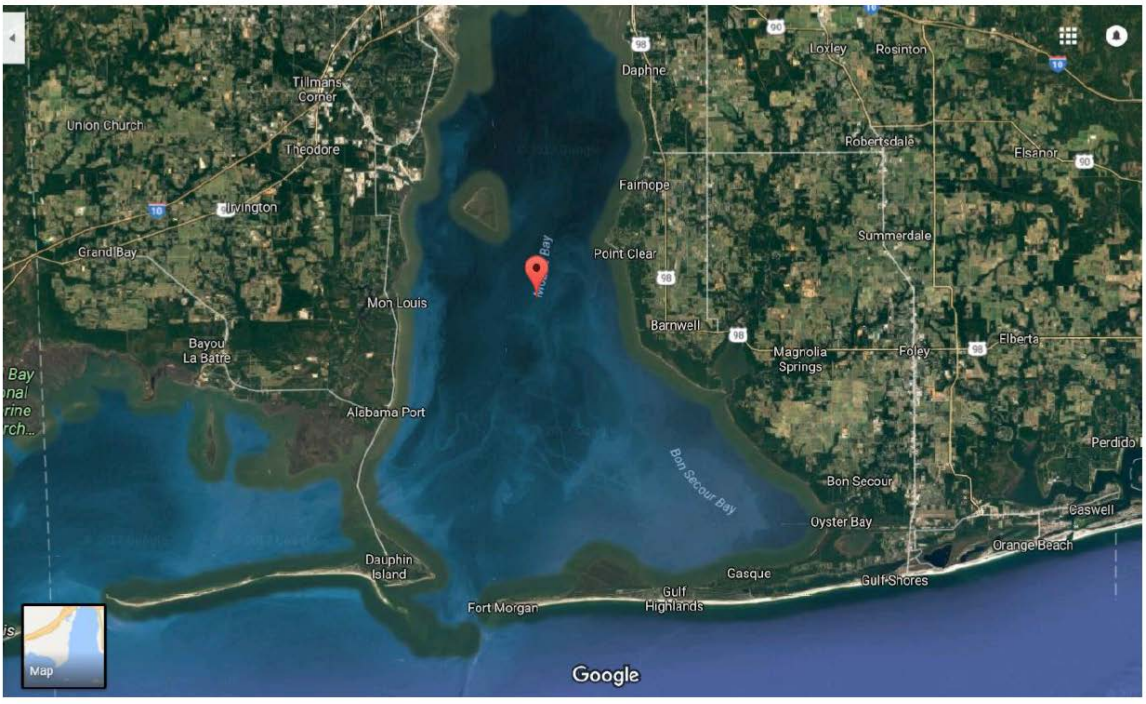

Figure 7. Estuarine Bottlenose Dolphin Protection project area in coastal Alabama.

7. Enhancing Capacity for the Alabama Marine Mammal Stranding Network

This project will enhance the capacity of the ALMMSN to respond to, necropsy, and analyze samples collected from stranded cetaceans in Alabama waters to better understand causes of cetacean illness and death. It will also support increased data consistency for information collected from stranded cetaceans by supporting the ALMMSN to enter their data into a regional marine mammal health database (Gulf MAP). The information collected by the ALMMSN from stranded cetaceans will enable managers to mitigate impacts to cetaceans from natural and anthropogenic threats and to monitor population recovery post-DWH.

Consistency Analysis

The project area includes all coastal and estuarine waters coastal Alabama. Project actions could potentially occur within the following CBRS units and OPAs: CBRS Units AL-03, Q01, Q01A, Q02 and OPAs Al-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P. The project actions include response to, necropsy, and collecting data from stranded cetaceans. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this proposed action is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

We are requesting your concurrence with our consistency determination.

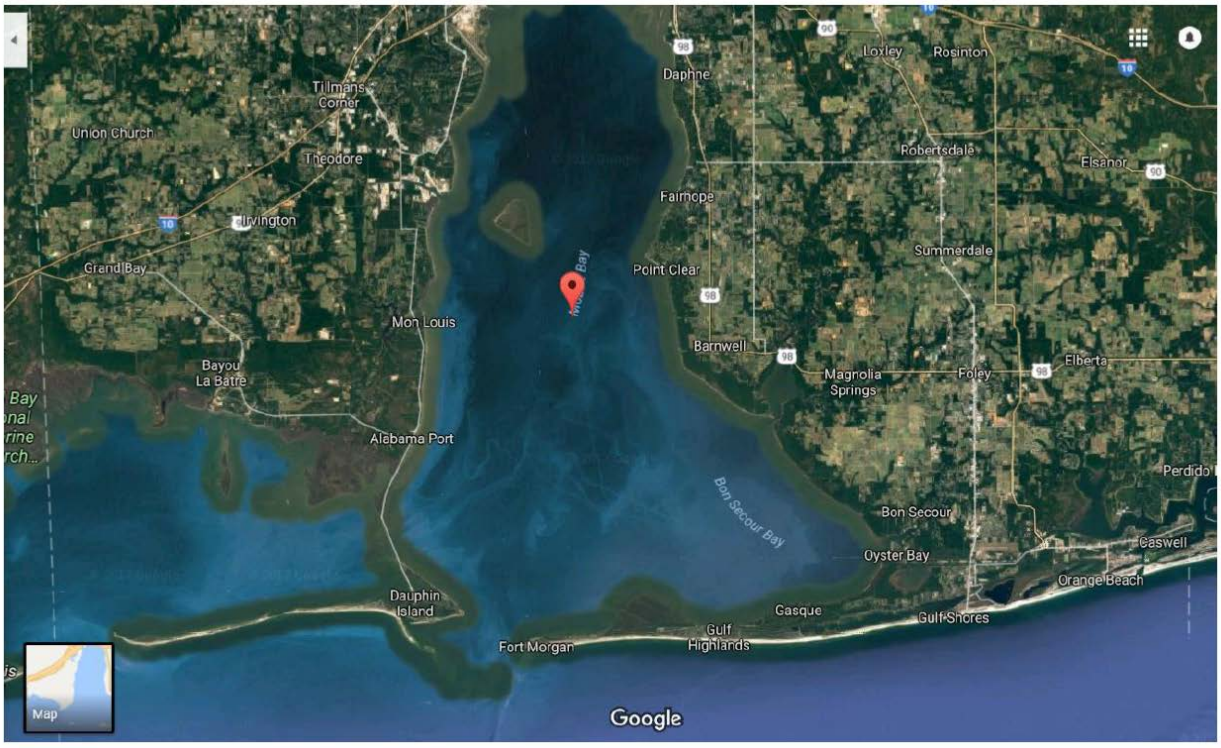

Figure 8. Marine Mammal Stranding Network project area in coastal Alabama.

8. Fowl River Nutrient Reduction Project

This project will restore resources injured by the Deepwater Horizon (DWH) oil spill with the goal of restoring water quality in the Fowl River watershed through non-point nutrient and sediment reduction from rural agricultural lands. Excessive nutrient enrichment, or eutrophication, of Fowl River and its estuaries is a chronic threat that can lead to hypoxia (low oxygen levels), harmful algal blooms, habitat loss, and fish kills. This project would reduce rural nonpoint source pollution through the implementation of conservation practices on agricultural lands.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

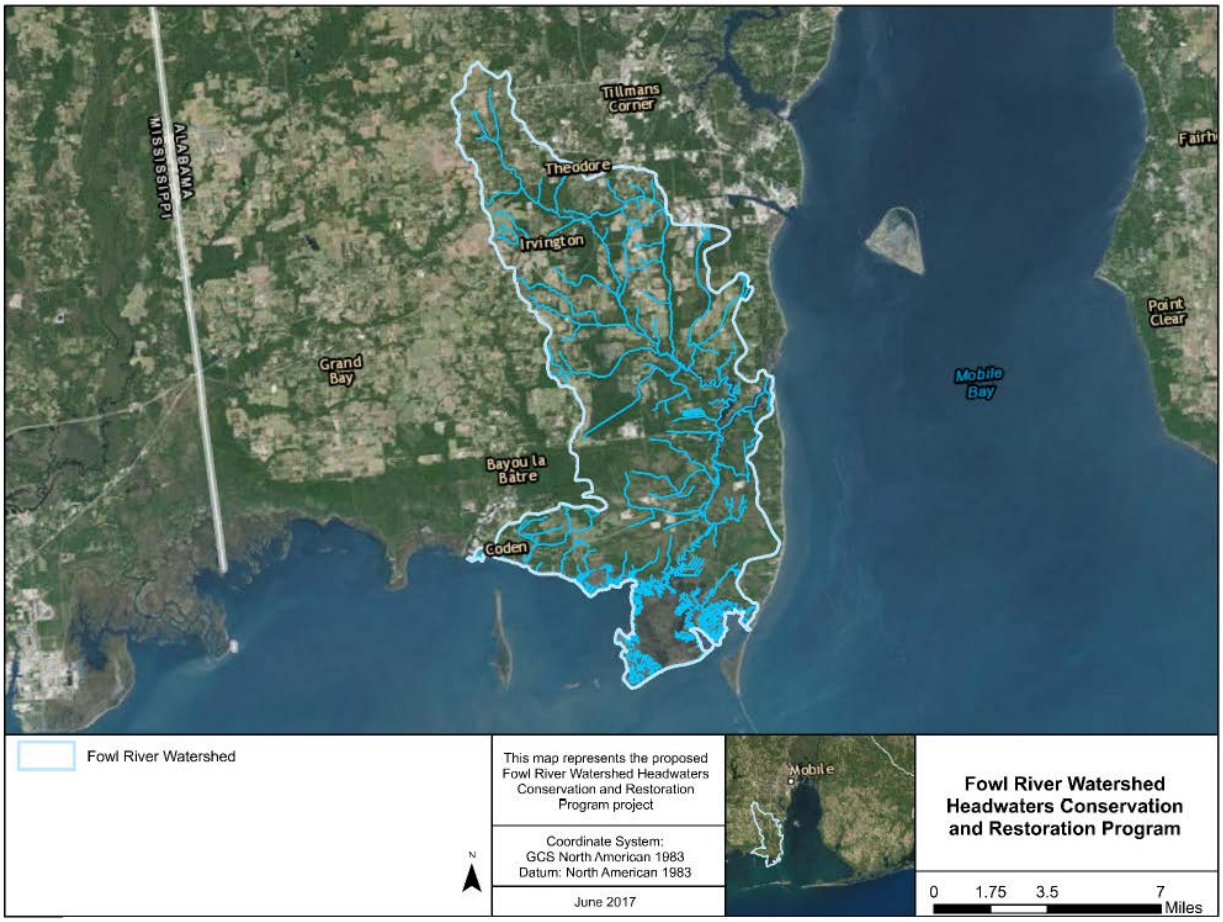

Figure 9. Fowl River Nutrient Reduction project area in coastal Alabama.

9. Toulmin Springs Branch Engineering and Design

The Toulmin Springs Branch engineering and design project would target reductions in non-point sources of nutrients (and other pollutants) through a variety of non-structural and structural BMPs. The project would include a watershed assessment and a conceptual plan for the entire length of Toulmin Springs Branch, which details opportunities for erosion and sedimentation reduction, nutrient and pathogen reduction, and flooding and stormwater management.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

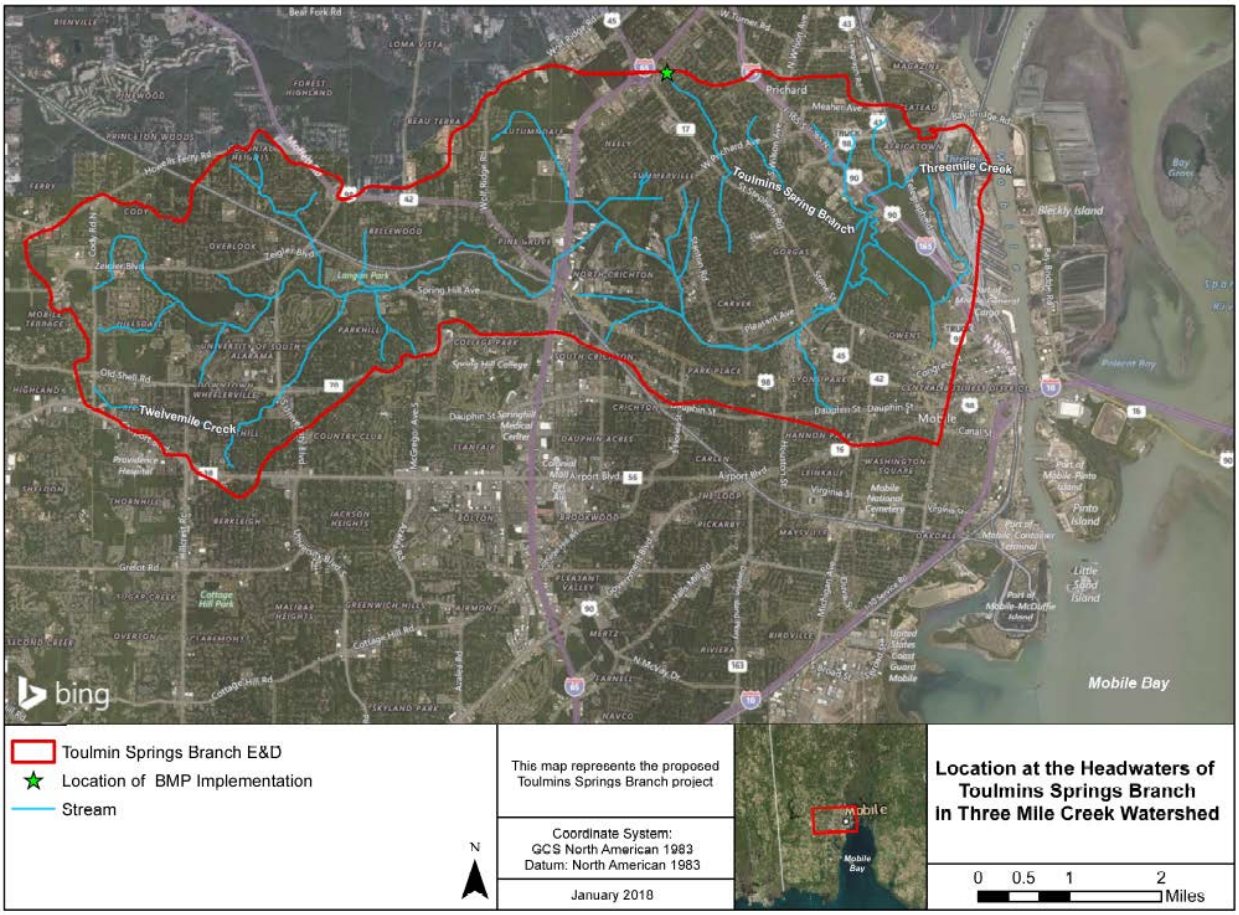

Figure 10. Toulmin Springs Branch Urban Engineering and Design project area in coastal Alabama.

10. Weeks Bay Nutrient Reduction Project

This project will restore resources injured by the Deepwater Horizon oil spill with the goal of restoring water quality in the Weeks Bay watershed through non-point nutrient and sediment reduction from rural agricultural lands. Excessive nutrient enrichment, or eutrophication, of the Mobile Bay estuaries is a chronic threat that can lead to hypoxia (low oxygen levels), harmful algal blooms, habitat loss, and fish kills. This project would reduce rural nonpoint source pollution through the implementation of conservation practices on agricultural lands.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

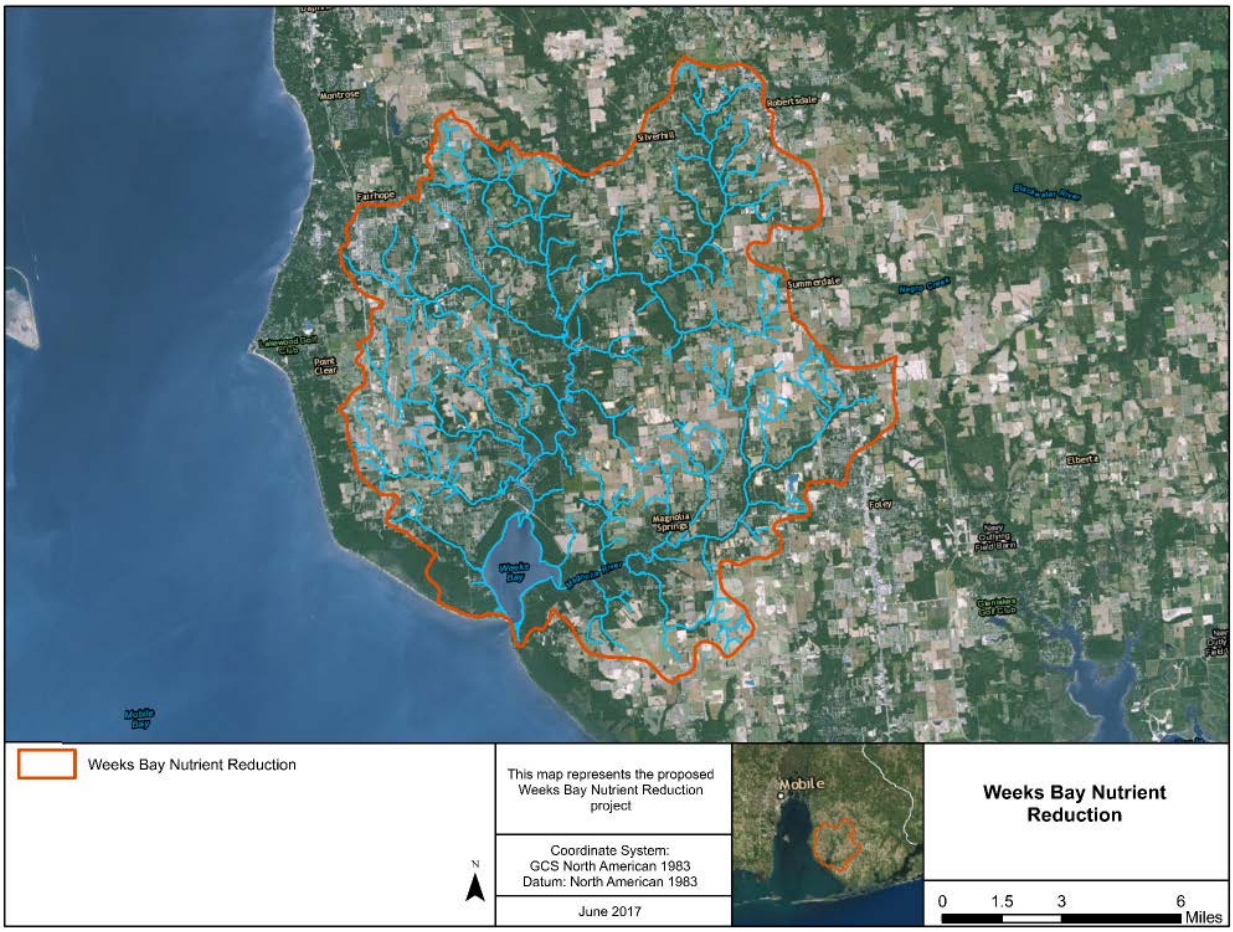

Figure 11. Weeks Bay Nutrient Reduction project area in coastal Alabama.

11. Oyster Cultch Relief and Reef Configuration Study

The Alabama Marine Resources Division is proposing to investigate the merit of deploying different types of cultch material in various configurations to facilitate positive settlement of spat and growth of oysters upon selected reef areas in Mobile Bay, Alabama. This project has three primary objectives: (1) determine if there are differences in oyster settlement, growth, and survival on reefs of differing levels of relief and/or orientation relative to currents, (2) determine optimum reef material relief needed to restore oyster density on specific reefs within historical reef areas in which hydrology parameters such as oxygen and salinity and oyster recruitment and survival are highly variable, (3) estimate the cost/benefits of deploying cultch in certain configurations as opposed to traditional cultch broadcast methods.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

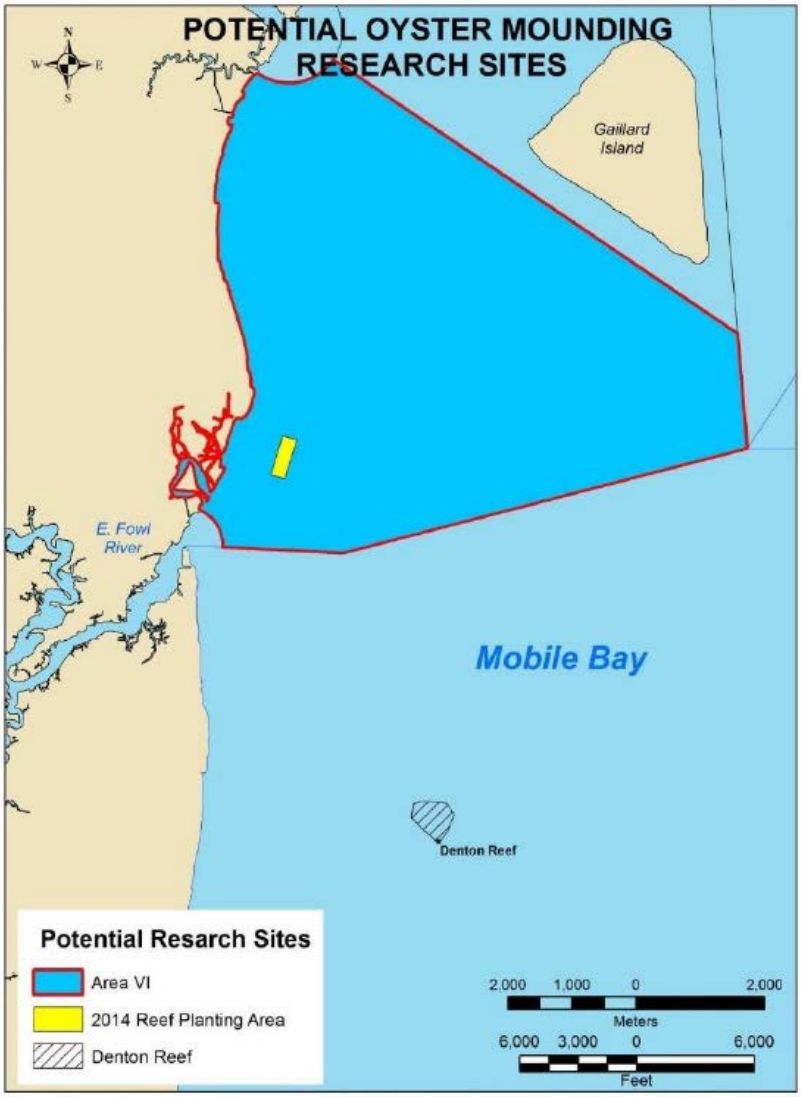

Figure 12. Oyster Cultch Relief and Reef Configuration project area in coastal Alabama.

12. Oyster Hatchery at Claude Peteet Mariculture Center

The Alabama Marine Resources Division is proposing to construct an oyster hatchery at AMRD's Claude Peteet Mariculture Center in Gulf Shores and operate the facility within a four year project period. The oyster spat produced as a result of this project will be used to encourage oyster recruitment in portions of Mobile Bay, which has experienced reduced oyster production compared to the early 20th century.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

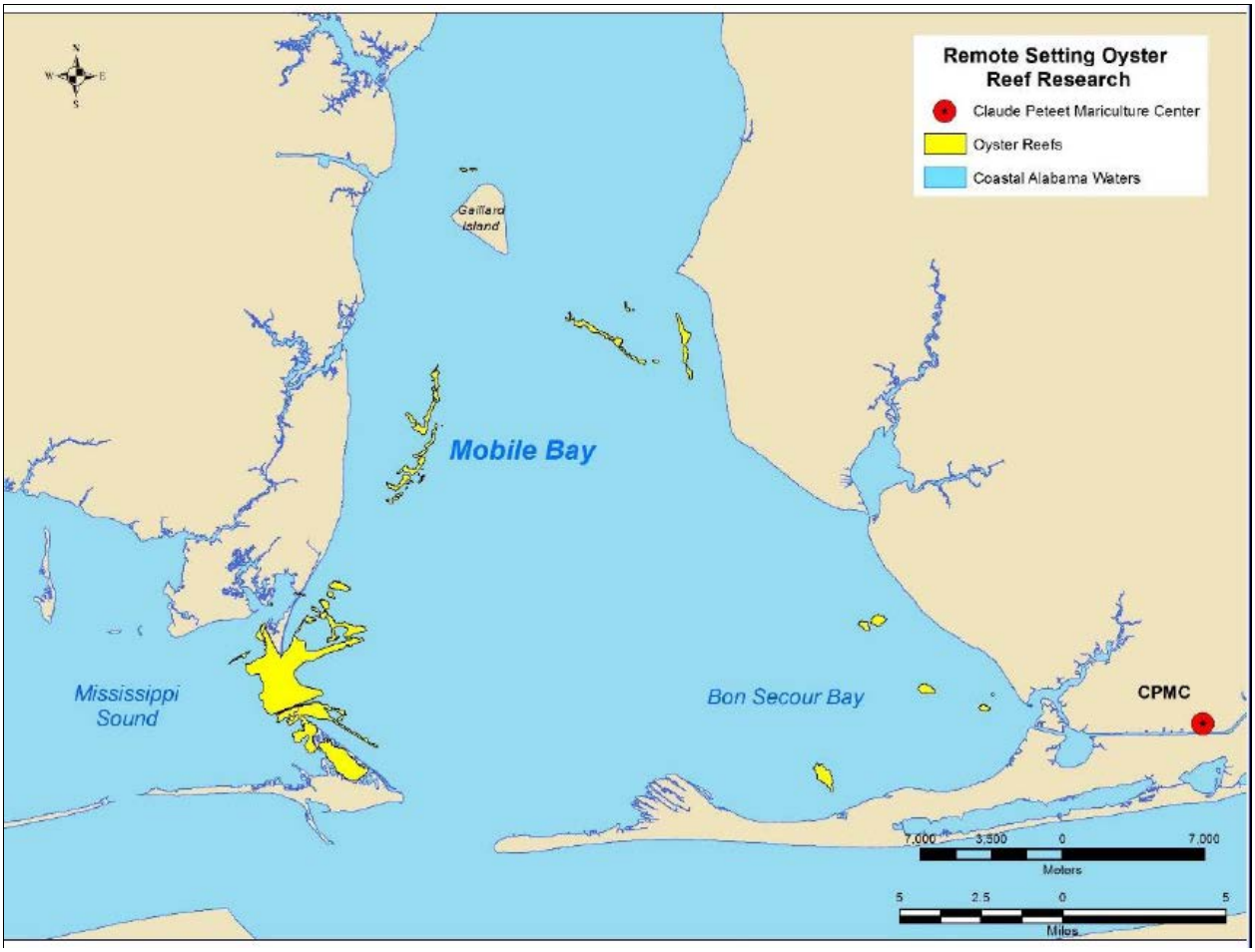

Figure 13. Oyster Hatchery at Claude Peteet Mariculture Center in coastal Alabama.

13. Side-Scan Mapping of Mobile Bay Relic Oyster Reefs

The purpose of this project is to: (1) identify areas of mid- to lower-Mobile Bay that are suitable for oyster restoration activities; and (2) survey the current extent and conditions of the relic oyster reefs identified in the 1968 reef surveys and other areas not surveyed. Mapping the bottom of Mobile Bay in these areas with side-scan will enhance our knowledge of natural larval production and better enable us to plan the most suitable locations to establish a network of patch reefs.

Consistency Analysis

The project area encompasses a large portion of Mobile Bay in coastal Alabama, with multiple side scan sonar survey areas identified (see Figure 14). One of the identified survey areas, the southernmost area, occurs within CBRS unit Q02 and OPA Q02P. Project actions could potentially occur within this CBRS unit and OPA. The project actions include the use of side scan sonar to map the bottom of Mobile Bay. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this proposed action is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

We are requesting your concurrence with our consistency determination.

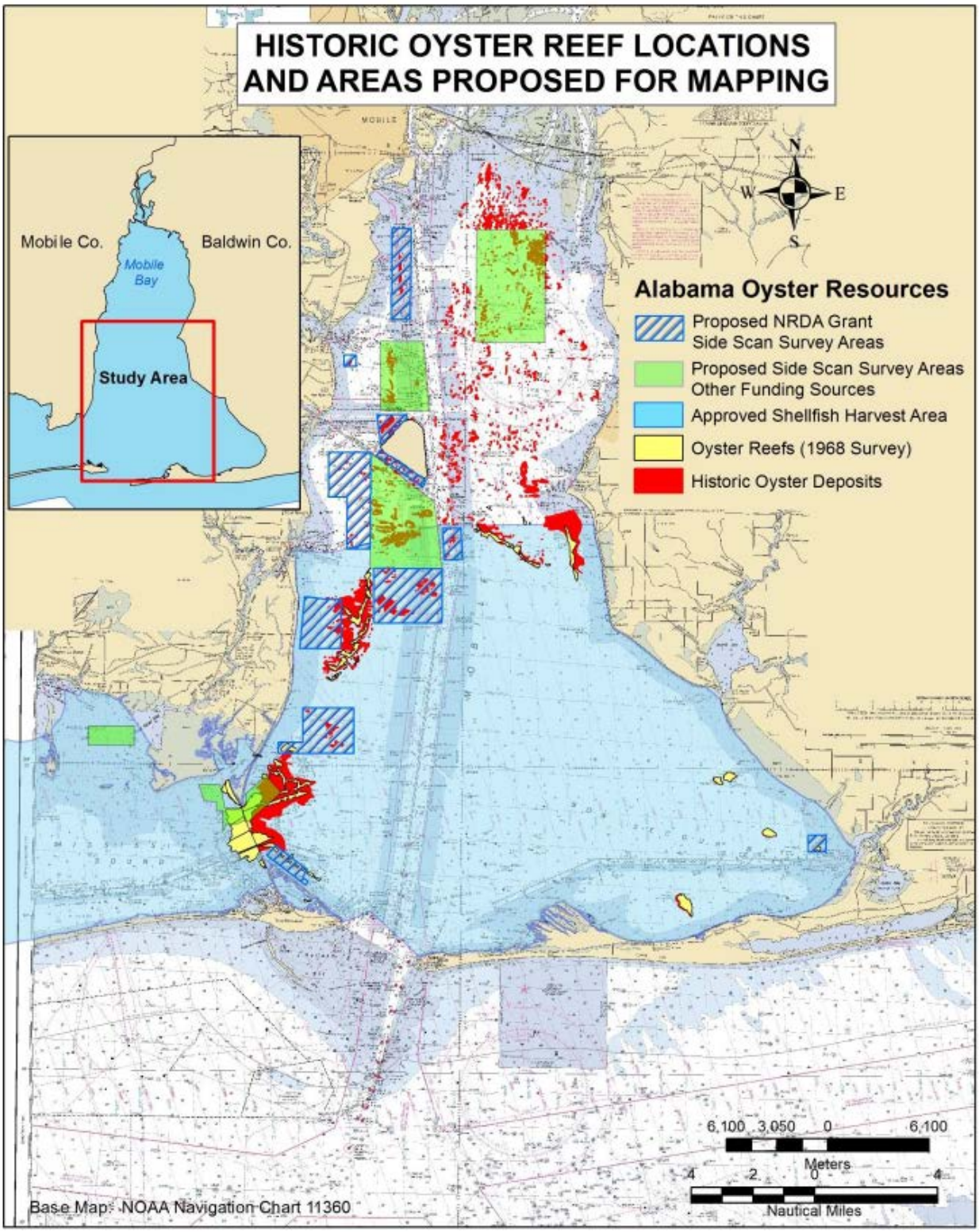

Figure 14. Side Scan Mapping project area in coastal Alabama.

14. Establishment of protected oyster gardening program grow out areas

This five-year project proposes creating up to three "off-bottom oyster grow-out areas" in the Mississippi Sound and Bon Secour Bay, identifying and prioritizing future restoration reef locations (including nearshore living shorelines and intertidal reefs), and monitoring the success in terms of oyster survival and reproduction of both the grow-out areas and restoration sites to determine effective techniques to increase the sustainability of oyster populations in Alabama.

Consistency Analysis

The project area includes three identified locations in nearshore waters of Mobile Bay and Bon Secour Bay incoastal Alabama. One of the identified survey areas, the easternmost site, occurs within CBRS unit Q01. Project actions could potentially occur within this CBRS unit. The project actions include creating an "off-bottom oyster grow out area using pilings and baskets and monitoring of grow-out areas. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this proposed action is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

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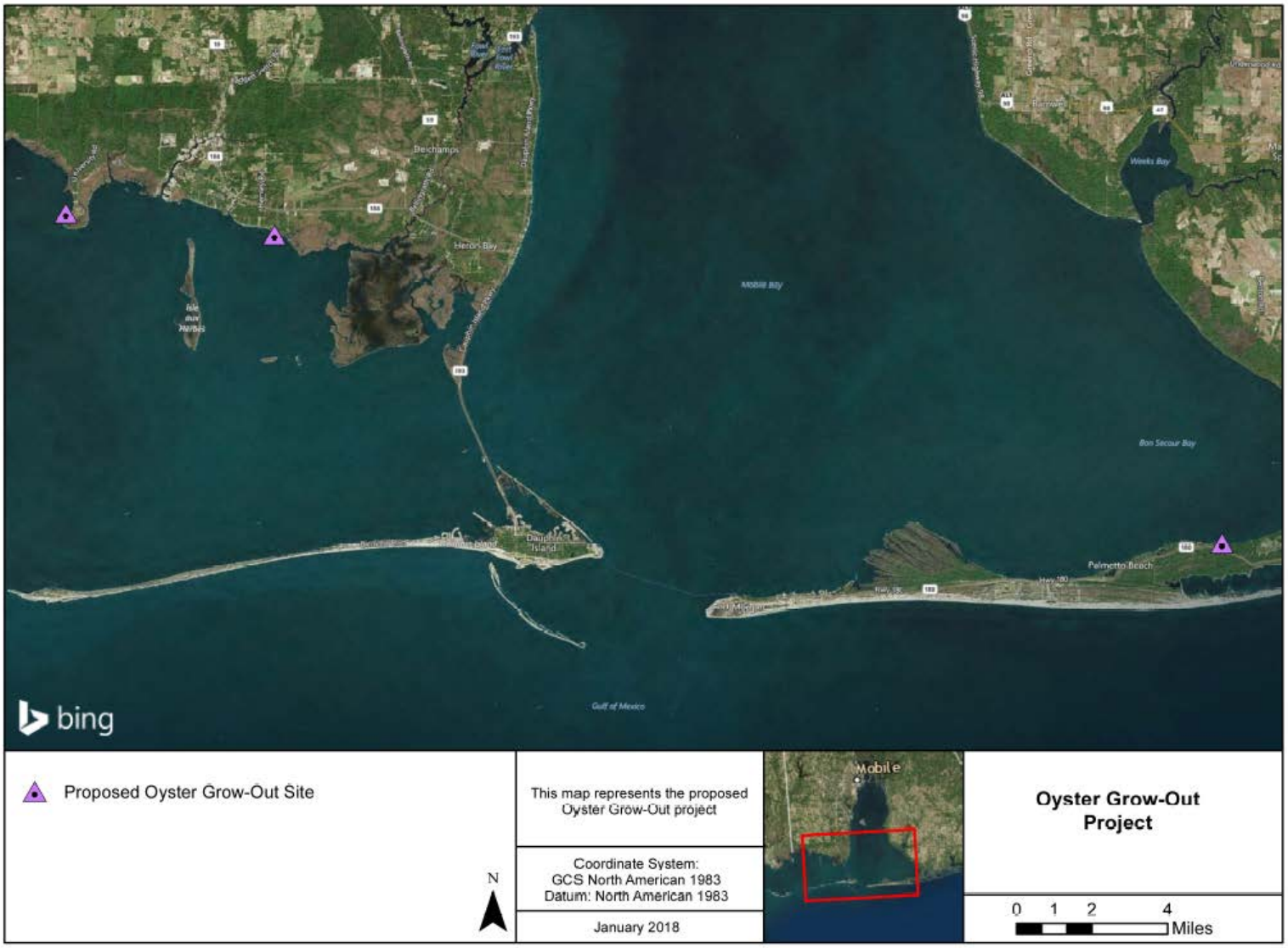

Figure 15. Protected Oyster Gardening Grow-Out Areas in coastal Alabama.

15. Alabama Sea Turtle Protection: Enhancement and Education

The CAST Protection: Enhancement and Education project would support state enforcement of the ESA and increase turtle protection in Alabama state waters through a variety of activities. First, it would increase awareness and understanding of the ESA through public education initiatives designed to assist state enforcement efforts. Second, it would increase state enforcement resources dedicated to sea turtle ESA-related activities. Third, it would initiate steps to reduce fisheries sea turtle bycatch, including fishery and social science surveys, and purchasing and distributing turtle excluder devices to skimmer trawl boats. Fourth, it would take steps to reduce anthropogenic impacts on nesting turtles, such as nest vandalism and lighting harassment.

Consistency Analysis

The project area includes all sea turtle nesting beaches and coastal waters in Alabama. Project actions could potentially occur within the following CBRS units and OPAs: CBRS Units AL-03, Q01, Q01A, Q02 and OPAs Al-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P. The project actions include using vehicles and boats to promote sea turtle conservation through increased law enforcement and increased education of the public. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this proposed action is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

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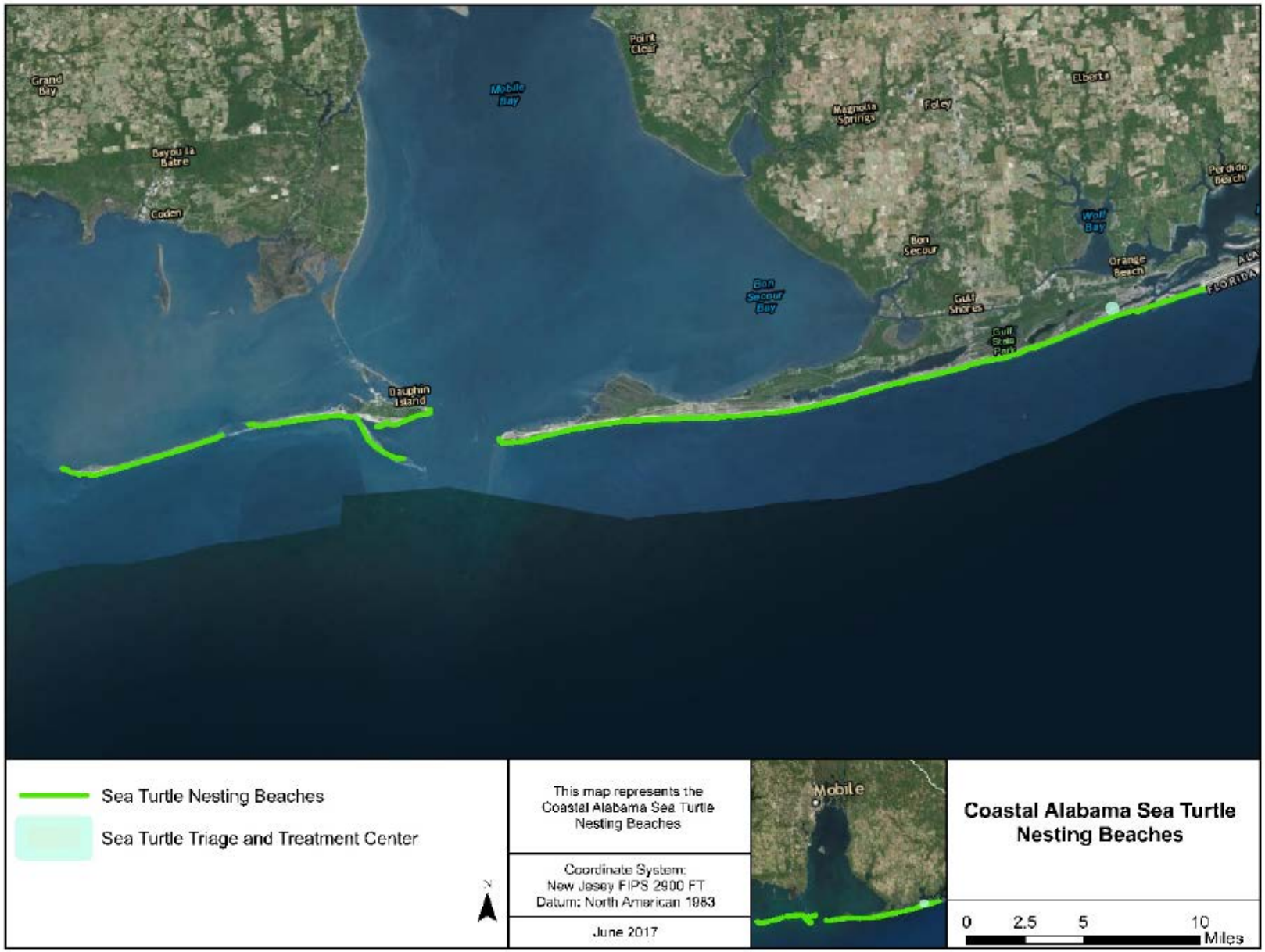

Figure 16. CAST Sea Turtle Protection: Enhancement and Education project in Alabama.

16. CAST Conservation Program Transfer and Expansion

The purpose of the Coastal Alabama Sea Turtle Conservation Program Transfer and Expansion Project is to build upon the existing program's capacity to protect and increase Alabama's sea turtle population. This project would transfer the existing Share The Beach Program from the Friends of Bon Secour National Wildlife Refuge to the Alabama Coastal Foundation . This project would ensure that the CAST program is adequately funded to operate into the future, starting at the 2018 sea turtle nesting season.

Consistency Analysis

The project area encompasses all sea turtle nesting beaches in Alabama. Project actions could potentially occur within the following CBRS units and OPAs: There is a potential for project actions to occur within multiple CBRS units and Otherwise Protected Areas: CBRS Units Q01, Q01A, Q02 and OPAs AL-01P, AL-02P, Al-05P, Q01P, Q02P. The project actions include education, outreach, volunteer coordination, and program development to support sea turtle conservation. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this proposed action is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

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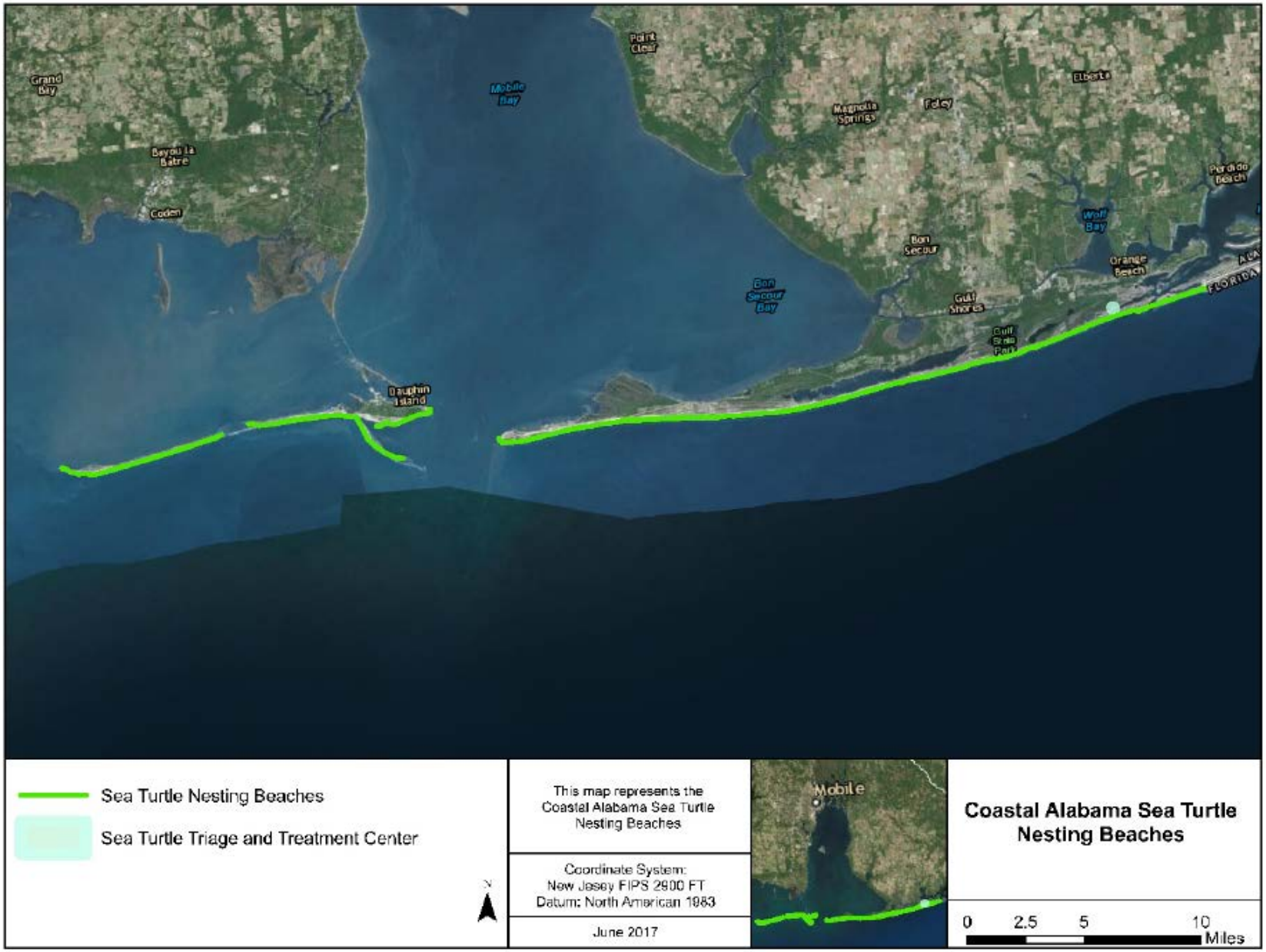

Figure 17. CAST Conservation Program Transfer and Expansion project in Alabama.

17. Coastal Alabama Sea Turtle Habitat Usage and Population Dynamics

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. Sea turtles spend the majority of their lives at sea, but little is known about their life history and distribution patterns along the Alabama Coast. In particular, hardly anything is known about juvenile sea turtles, although limited research and the number of stranded or injured sea turtles suggests that the Gulf of Mexico supports large numbers of juveniles. Population modeling has shown that the juvenile life-stage is the most critical to the stability and recovery of sea turtle populations

Consistency Analysis

The project area includes all sea turtle nesting beaches and coastal waters in Alabama. Project actions could potentially occur within the following CBRS units and OPAs: CBRS Units AL-03, Q01, Q01A, Q02 and OPAs Al-01P, AL-02P, AL-04P, Q01P, AL-05P, Q02P. The project actions include capture, marking, tagging, and tracking of sea turtles to support population and habitat modeling to aid sea turtle conservation. Consequently, this activity is consistent with CBRA per exemption 16 U.S.C. 3505(a)(6)(A) for "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats, and related lands, stabilization projects for fish and wildlife habitats, and recreational projects." The purposes of CBRA are "to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damages to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts…" 16 U.S.C. §3501(b). This project is designed to restore natural resources injured by the *Deepwater Horizon* oil spill. Accordingly, this proposed action is consistent with the purposes of the CBRA and falls within the CBRA exemption discussed above.

We are requesting your concurrence with our consistency determination.

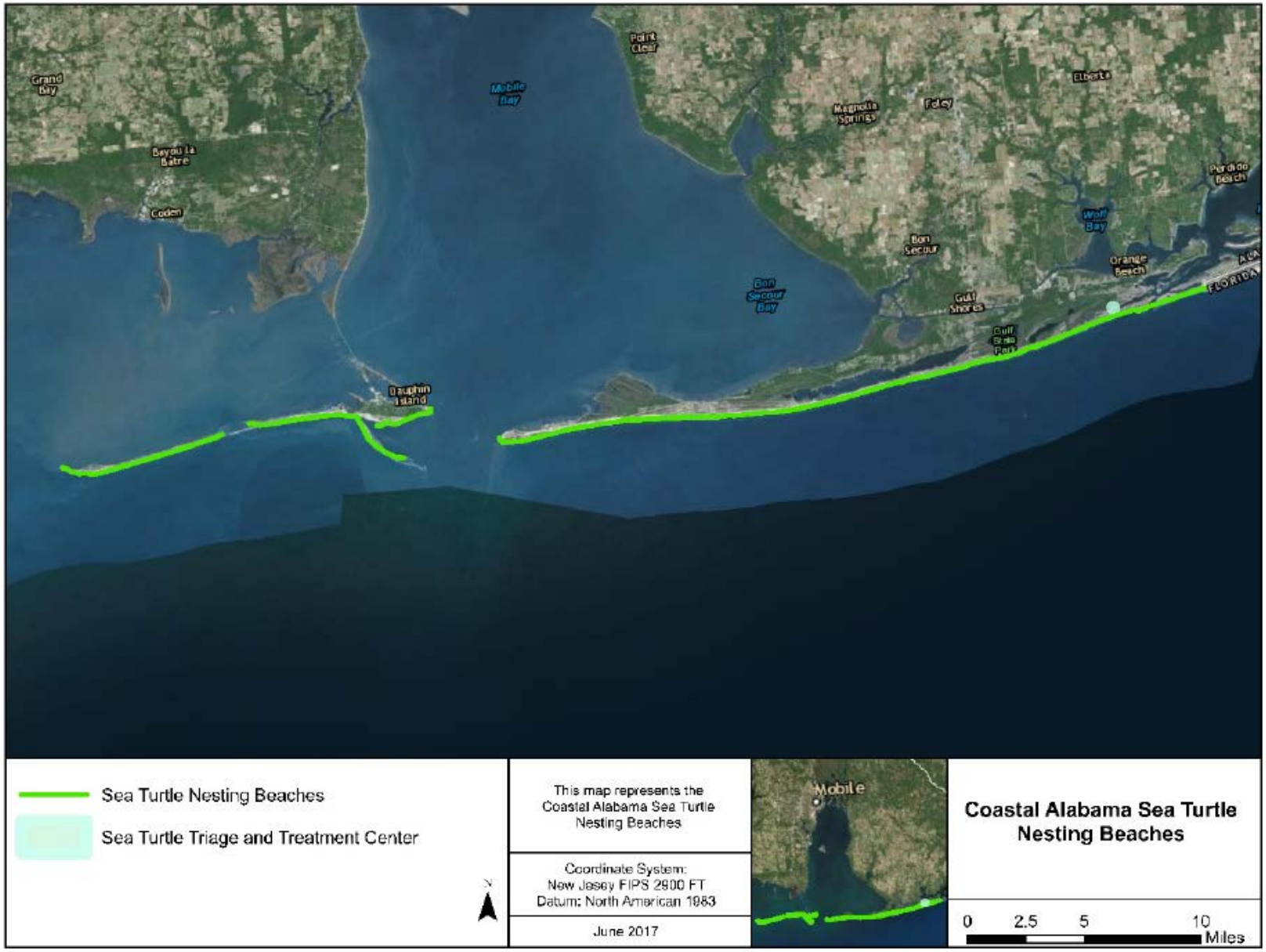

Figure 18. Coastal Alabama Sea Turtle Habitat Use and Population Dynamics project area in Alabama.

18. Coastal Alabama Sea Turtle Triage and Treatment Center

The purpose of this project is to provide an appropriately equipped facility and program for the initial triage, treatment, release and/or transfer of injured/ill marine turtles. The project would construct a new facility on property owned by the City of Orange Beach. This facility and associated program would allow greater numbers of sea turtles to be treated and released, faster and with less stress on the animal from handling and transport.

Consistency Analysis

The proposed action occurs within OPA AL-02P, therefore no additional analysis was developed.

Figure 19. Coastal Alabama Sea Turtle Triage and Treatment Center.

19. Weeks Bay Land Acquisition-East Gateway Tract

The Weeks Bay Land Acquisition (East Gateway Tract) project would protect the East Gateway property in perpetuity through a fee simple acquisition. The East Gateway Tract is located in Baldwin County at the mouth of Weeks Bay and contains approximately 175 undeveloped acres. This property contains more than 100 acres of wetlands, including estuarine intertidal marsh and freshwater forested wetlands.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

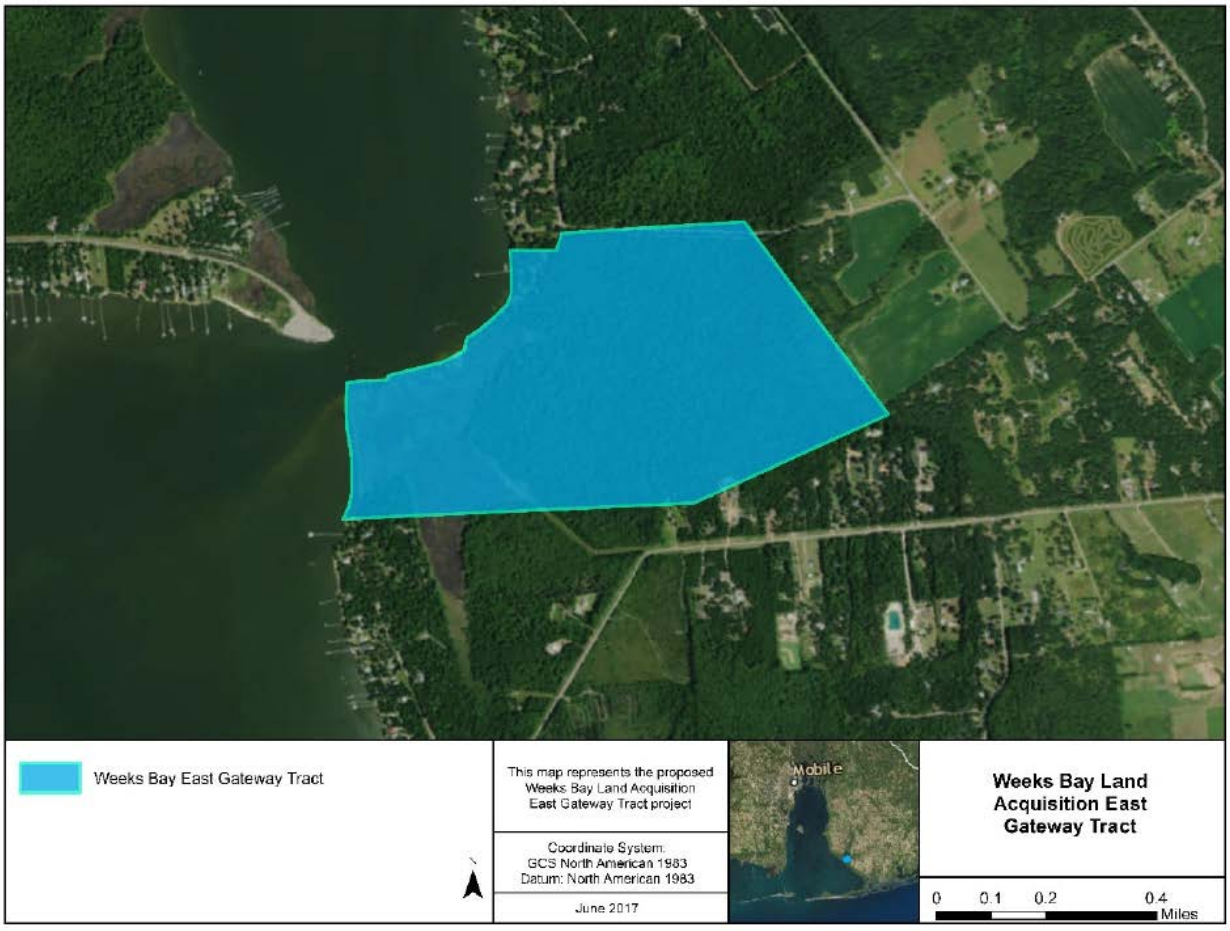

Figure 20. Weeks Bay Land Acquisition-East Gateway Tract in Alabama.

20. Weeks Bay Land Acquisition-Harrod Tract

This project would acquire and place in conservation approximately 231 acres of land and salt marsh alongside the Fish River, approximately 1.25 miles upstream of Weeks Bay. The land, referred to as the Harrod Tract, would be protected by this project in perpetuity through a fee simple acquisition. This project would be accomplished with support from the Weeks Bay Foundation and the Weeks Bay National Estuarine Research Reserve.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

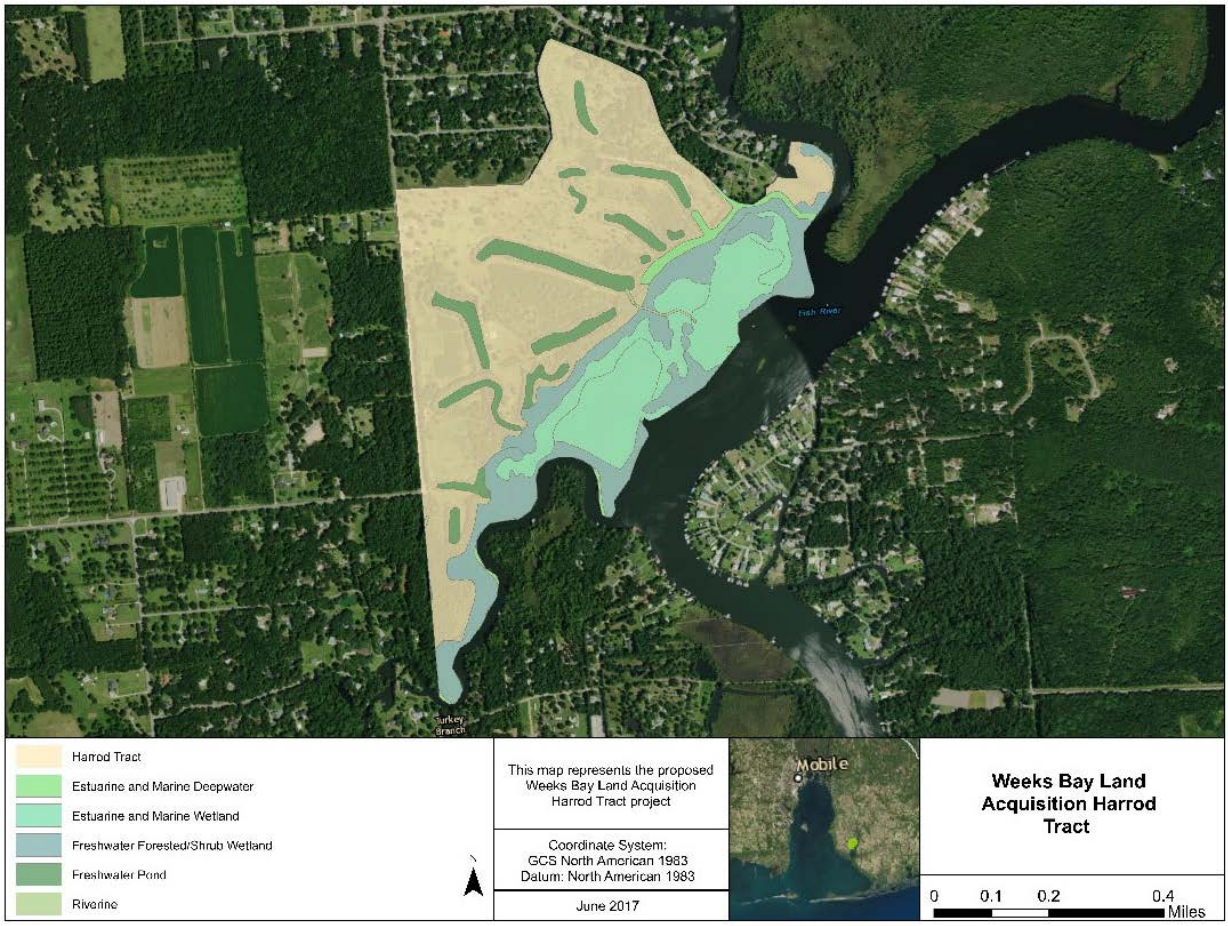

Figure 21. Weeks Bay Land Acquisition-Harrod Tract in Alabama.

21. Magnolia River Land Acquisition-Holmes Tract

This project would acquire and place in conservation approximately 80 acres of inland forest habitat along the Magnolia River, referred to as the Holmes Tract. The land is bounded by approximately one mile of the Magnolia RIver on its northern and western boundary and approximately 0.5 mile of Weeks Creek on its western and southern boundary. As one of the few remaining tracts of undeveloped (but developable) riverfront land in Magnolia Springs, the land has great environmental and public benefit.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

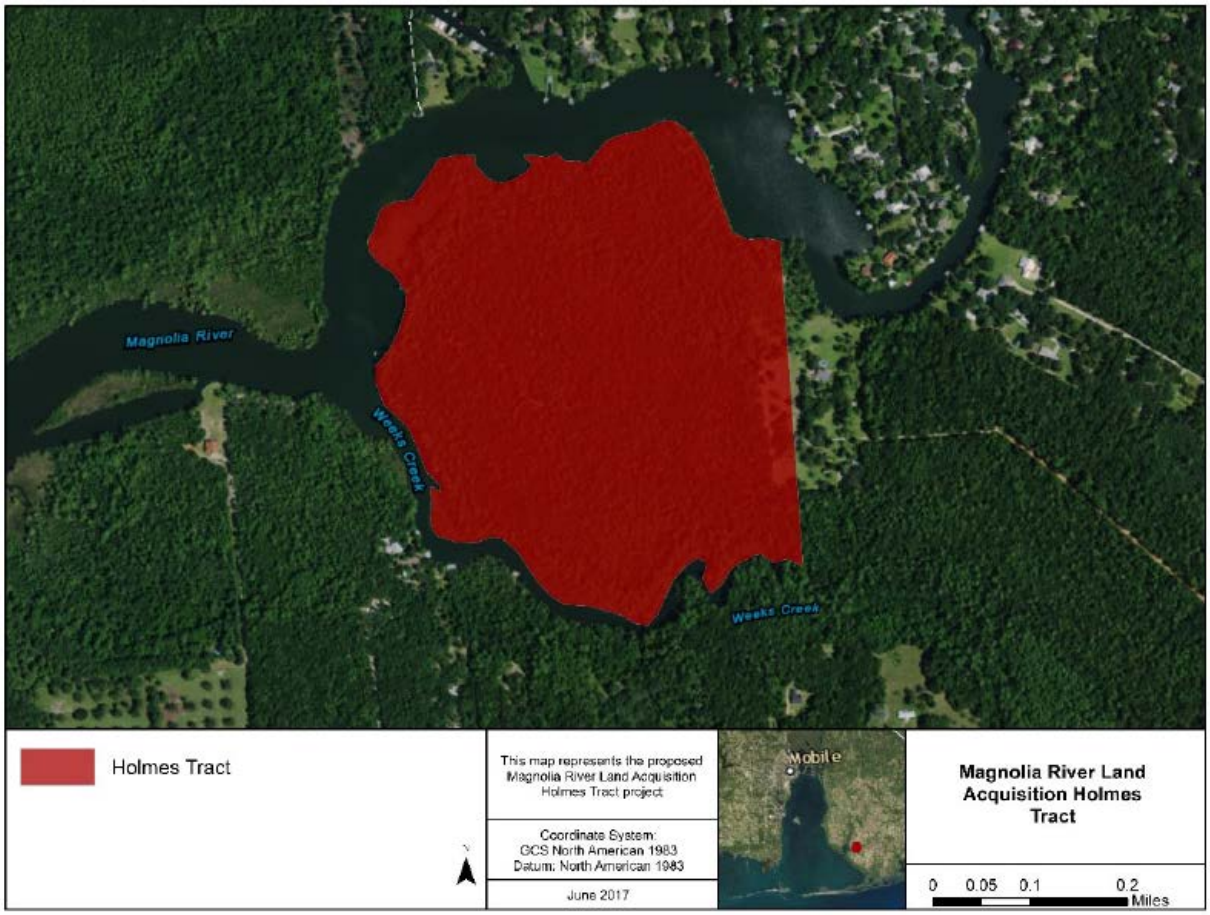

Figure 22. Magnolia River Land Acquisition-Holmes Tract in Alabama.

22. Lower Perdido Islands Restoration Phase I (Engineering and Design)

The Lower Perdido Islands Restoration Phase I project would develop a proactive and unified strategy for protecting the ecological functions of the Perdido Islands complex, while continuing to allow for public recreation. For this phase (Phase I) of the Lower Perdido Islands Restoration, a conservation management plan would be developed by the Nature Conservancy to evaluate the best methods for minimizing adverse impacts on sensitive habitats, and conduct a sediment modeling study to provide information on island erosion, which would inform future habitat restoration activities on the islands. Project elements would include identifying and describing the issues (such as erosion) and evaluating and recommending habitat protection and restoration strategies such as shoreline restoration, establishing protective buffers around critical habitat areas, protecting submerged aquatic vegetation (SAV), or dune habitat protection.

Consistency Analysis

The proposed project is not within any designated System Unit and is therefore not subject to CBRA.

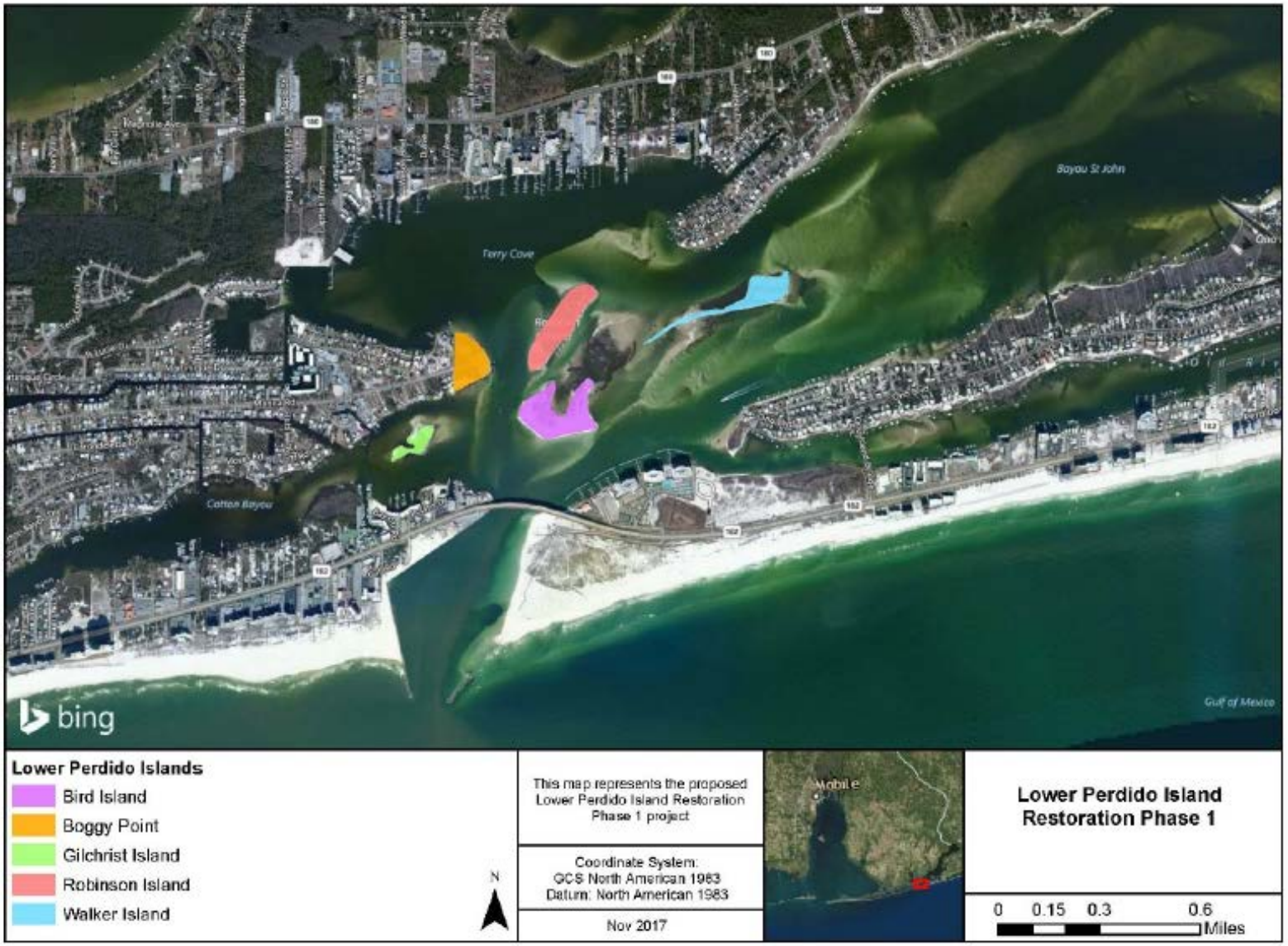

Figure 23. Lower Perdido Islands Restoration Phase I (Engineering and Design)