



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Deepwater Horizon Gulf Restoration Office
341 Greeno Road North, Suite A
Fairhope, Alabama 36532



In Reply Refer To:
FWS/R4/DH NRDAR

Memorandum

February 16, 2022

To: Memorandum to File

From: Michael Barron, Deepwater Horizon Gulf Restoration Office

Subject: Proposed Changes to Coastal Alabama Sea Turtle Habitat Usage and Population Dynamics Project From the Alabama Trustee Implementation Group's Restoration Plan #2: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; Nutrient Reduction (Nonpoint Source), Sea Turtles, Marine Mammals, Birds and Oysters

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 the US Fish and Wildlife Service (USFWS) for purposes of ESA. This memo does not include any information or effects determinations for protected species under the jurisdiction of the National Marine Fisheries Service.

The project entitled Coastal Alabama Sea Turtle Habitat Usage and Population Dynamics Project From the Alabama Trustee Implementation Group's Restoration Plan #2: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; Nutrient Reduction (Nonpoint Source), Sea Turtles, Marine Mammals, Birds and Oysters was previously evaluated and concurrence for the project was granted on June 27, 2018, 2018-I-0909 (see attachment 1). The consultation concluded: May Affect, Not Likely to Adversely Affect for West Indian manatee (*Trichechus manatus*) and Alabama red-bellied turtle (*Pseudemys alabamensis*).

The Alabama Trustees are proposing the following changes to the project: 1) Add acoustic tags that will be attached to sea turtles with wire and epoxy through holes drilled into the edge of the

turtle's shell; 2) Deploy acoustic receivers in Perdido Bay and the intracoastal waterway to detect the presence of these tagged turtles; 3) Use receiver arrays deployed by other researchers across the Gulf of Mexico; and 4) Discontinue the use of trawling techniques to collect samples. Impacts to sea turtles were assessed by the National Oceanic and Atmospheric Administration (see attachment 2).

Based on our evaluation of the original documentation and the proposed changes, implementation of the proposed changes does not require further consultation as the impacts to West Indian manatee and Alabama red-bellied turtle will not be altered by the proposed changes and the proposed actions to reduce adverse effects will still be implemented.

Should any project be modified in a way that could adversely impact species or habitats, this determination will be reevaluated as appropriate.

If you have questions or concerns regarding this action, please contact Michael Barron, Fish and Wildlife Biologist, at 251-421-7030 or michael_barron@fws.gov.

Attachments (2)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

IN REPLY REFER TO:
2018-1-0909

JUN 27 2018

Mr. Ben Frater
Assistant Gulf Restoration Manager
Deepwater Horizon Gulf Restoration Office
341 N. Greeno Road, Suite A
Fairhope, AL 36532

Dear Mr. Frater:

The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled "Coastal Alabama Sea Turtle Habitat Usage and Population Dynamics", submitted by the Service. Our comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed 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. The action area includes the entire Alabama Gulf coast and includes coastal and nearshore waters of the Gulf of Mexico, including Perdido Bay, Little Lagoon, Bon Secour Bay, Mobile Bay, and Mississippi Sound in Mobile and Baldwin Counties, Alabama.

Based on the information provided in your biological evaluation, we concur with your determination that the proposed project "may affect, but is not likely to adversely affect" the West Indian manatee (*Trichechus manatus*) and the Alabama red-bellied turtle (*Pseudemys alabamaensis*). This project will improve sea turtle habitat conservation by providing data on sea turtle habitat use, such as identifying important foraging areas within Alabama waters, therefore, the proposed action should result in beneficial effects to these species.

If you have any questions or comments regarding this letter, please contact Shannon Holbrook in this office at (251) 441-5871.

Sincerely,

William J. Pearson
Field Supervisor
Alabama Ecological Services Field Office

PHONE: 251-441-5181

FAX: 251-441-6222



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MEMORANDUM FOR: FILE

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

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.



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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.