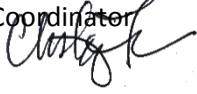




MEMORANDUM FOR: FILE

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

DATE: January 30, 2019

SUBJECT: Projects Proposed in Florida Trustee Implementation Group Restoration Plan #1 and Environmental Assessment: No Further Action Needed for NMFS Species Protected under the MMPA

There are more than 22 species of marine mammals in the Gulf of Mexico, including dolphins and whales. The Marine Mammal Protection Act (MMPA), as amended, prohibits the taking of marine mammals, where "take" is defined as "the act of hunting, killing, capture, and/or harassment of any marine mammal; or, the attempt at such" 16 U.S.C. § 1362(13). The Marine Mammal Protection Act does provide a mechanism (section 101(a)(5) (A-D)) for allowing, upon request, the "incidental", but not intentional, taking of small numbers of marine mammals by U.S citizens who engage in a specified activity (other than commercial fishing) within a specified geographic region. Proposed projects were analyzed to evaluate the potential for any such non-fishery interactions with marine mammals.

Based on my review of project materials (Fall 2018) in coordination with representatives from NOAA's Protected Resource Division (PRD) in the South East Regional Office (SERO), the NOAA Restoration Center determined that the projects proposed for implementation in the Florida TIG Restoration Plan/Environmental Assessment will have no effect to MMPA protected species under the jurisdiction of National Marine Fisheries Service¹ because the projects do not take place where marine mammals are present or best management practices are in place to avoid effects to marine mammals These projects will not require further MMPA evaluation. Should any project be modified in a way that could adversely impact marine mammals, this determination will be reevaluated as appropriate.

- Gulf Islands National Seashore (Florida) Beach and Dune Habitat Protection
- Gulf Islands National Seashore (Florida) Invasive Plant Removal
- Gulf Islands National Seashore (Florida) Night Sky Restoration (P&D)
- St Vincent National Wildlife Refuge Predator Control
- Perdido River and Bay Paddle Trail
- Gulf Islands National Seashore (Florida) Rehabilitation of Okaloosa Unit Recreational Facilities
- Carpenter Creek Headwaters Park Amenities
- Topsail Hill State Park Improvements
- Camp Helen State Park Improvements
- St. Marks National Wildlife Refuge Coastal Trail Connection, Spring Creek to Port Leon
- Pensacola Bay and Perdido River Watersheds - Nutrient Reduction

¹ This letter is not intended to determine effects to MMPA protected species under the jurisdiction of USFWS.



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

- Lower Suwannee River Watershed - Nutrient Reduction
- Carpenter Creek Headwaters Water Quality Improvements
- Pensacola Beach Reclaimed Water System Expansion
- Rattlesnake Bluff Road and Riverbank Restoration
- Pensacola Bay Unpaved Roads Initiative (P&D)
- Alligator Lake Coastal Dune Lake Hydrologic Restoration
- City of Port St. Joe Stormwater Improvements
- City of Carrabelle's Lighthouse Estates: Septic Tank Abatement - Phase II
- Lower Suwannee National Wildlife Refuge Hydrological Restoration (P&D)
- Lower Charlotte Harbor Flatwoods Hydrologic Restoration Initiative, Yucca Pens Unit (P&D)