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 April 30, 2019

To: Field Supervisor, North Florida Ecological Services Field Office, Jacksonville, FL

From: Assistant Gulf Restoration Manager, *Deepwater Horizon* Gulf Restoration Office

Subject: Informal Consultation Request for two projects on the Lower Suwannee River in Florida

Overview

Projects are currently being evaluated as potential restoration projects to restore natural resources in Florida that were injured as a result of the *Deepwater Horizon* (*DWH*) oil spill. We have reviewed two projects in accordance with Section 7 of the ESA. We have made a No Effect determination for one project and a May Affect, Not Likely to Adversely Affect determination for the second project. We are requesting written concurrence on these determinations. A list and brief description of the projects is provided in Table 1 below. Species determinations are summarized in Table 2 below.

Background

After the *DWH* oil spill, federal and state natural resource trustee agencies (Trustees) came together to assess the effects of the spill and plan for the restoration of injured natural resources. As part of the legal settlement reached with BP in 2016, the Trustees prepared a Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), to provide the framework for *DWH* oil spill restoration across the Gulf.

The Final PDARP/PEIS established Trustee Implementation Groups (TIGs) that develop plans for, choose, and implement specific restoration actions under the Final PDARP/PEIS. The Florida TIG includes two Florida state trustee agencies and four federal trustee agencies: the Florida Department of Environmental Protection (FDEP); the Florida Fish and Wildlife Conservation Commission (FWCC); the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); the United States Department

of the Interior (USDOI), represented by the United States Fish and Wildlife Service (USFWS) and National Park Service (NPS); the United States Department of Agriculture (USDA); and the United States Environmental Protection Agency (EPA).

The Florida TIG has evaluated these projects as potential restoration projects under the Deepwater Horizon Oil Spill Florida Trustee Implementation Group Draft Restoration Plan 1 and Environmental Assessment: Habitat Projects on Federally Managed Lands; Nutrient Reduction; Water Quality; and Provide and Enhance Recreational Opportunities, which was approved on March 15, 2019.

We reviewed each restoration project for compliance with Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.S 1531 et seq.). We have reviewed these two projects for potential impacts to listed, candidate, and proposed species, and designated and proposed critical habitats in accordance with Section 7 of the ESA. Potential effects, conservation measures, and justifications for our determinations are presented in the attached Biological Evaluation (BE) forms.

We have made a No Effect determination for all listed species and designated habitats within the Lower Suwannee National Wildlife Refuge Hydrological Restoration (P&D) project area. However, we are requesting concurrence with our determination for the Lower Suwannee River Watershed – Nutrient Reduction project (summarized in Table 2).

Within the BE form, we have also reviewed the proposed projects for impacts to bald eagles and migratory birds in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703–712), respectively and we determined take would be avoided.

To facilitate your response, should you concur with our determinations, we have attached a template response letter. If you have questions or concerns regarding this request for informal consultation, please contact Erin Chandler, Fish and Wildlife Biologist, at 470-361-3153 or erin_chandler@fws.gov.

Attachments (2)

- Biological Evaluation (BE) forms (2) including project maps
- Template response letter

Table 1. Brief descriptions of two Lower Suwannee River projects in FL TIG RP #1.

Proposed Projects	Brief Description
Lower Suwannee River Watershed – Nutrient Reduction	The project would be implemented over a 5-year period with the first year consisting primarily of landowner outreach and planning. Implementation of the conservation plans would begin in year two and continue through year four. The project has been organized into four phases for implementation: 1) conservation planning (including landowner outreach and education) and environmental evaluation, 2) engineering and design, 3) implementation, and 4) monitoring. All the project phases may be initiated simultaneously. The goals of the project are to 1) improve water quality by reducing nutrient loads to coastal watersheds 2) develop conservation plans on agricultural land to address nutrient and sediment runoff; and 3) implement conservation practices identified in the conservation plans. The project would be implemented by USDA in the Lower Suwannee watershed. USDA and its conservation partners would help voluntarily participating landowners by developing conservation plans that identify natural resource concerns and conservation practices landowners can implement to reduce nutrient and sediment runoff. The conservation planning and implementation would be completed independently but consistently among the watersheds for addressing nutrient and sediment sources in small watersheds with the goal of making and observing a measurable impact. Restoration activities involve the application of conservation practices to agricultural lands to reduce sediment, phosphorus, and nitrogen loads in target watersheds and to downstream coastal receiving waters. This project is intended to reduce impacts of sediments and nutrients within the upper tributaries of the watershed on instream habitats that have direct connectivity to marine resources that utilize the river. Additional ecosystem services include reducing chronic threats (e.g., hypoxia, HABs, and impaired recreational use).
Lower Suwannee National Wildlife Refuge Hydrological Restoration (P&D)	No construction would occur as part of this proposed project. This is an engineering and design plan and activities in the project area would be limited to data collection, analysis, and engineering and design to conduct a detailed hydrologic assessment to model the overland flow patterns on the NWR. Engineering and design are anticipated to be completed in approximately 15 months. This model will be used to identify road sections in need of removal, and the installation/replacement of culverts, low-water crossings, or other structures to remove the barrier to overland flow. The proposed engineering and design are needed to remove/alter roads and trails that cause the temporary impoundment of water and in some instances redirect flow into culverts, disrupting sheet flow, detaining water upstream of these roads, and resulting in increased evapotranspiration and reduced flows to the Suwannee River.

Table 2. Summary of ESA determinations for Lower Suwannee River Watershed Nutrient Reduction project in the FL TIG RP #1. *(NE= no effect, NLAA = may affect, but not likely to adversely affect)*

ESA Species under FWS jurisdiction	Status	Lower Suwannee River Watershed – Nutrient Reduction
Mammals		
Choctawhatchee beach mouse	E	--
Choctawhatchee beach mouse - CH	D	--
West Indian manatee	T	NLAA
Florida salt marsh vole	E	NLAA
Birds		
Red knot	T	NLAA
Red-cockaded woodpecker	E	--
Wood stork	T	NLAA
Florida scrub jay	T	NLAA
Piping plover	T	--
Reptiles		
Hawksbill sea turtle - terrestrial	E	--
Leatherback sea turtle - terrestrial	E	--
Green sea turtle – terrestrial	E	--
Kemp's Ridley sea turtle - terrestrial	E	--
Loggerhead sea turtle - terrestrial	T	--
Eastern Indigo snake	T	NLAA
American alligator	T	--
Gopher tortoise	C	NLAA
Fish		
Gulf sturgeon	T	NE
Gulf sturgeon - CH	D	--
Amphibians		
Reticulated flatwoods salamander	E	--
Mussels		
Choctaw bean	E	--
Fuzzy pigtoe	T	--
Narrow pigtoe	T	--
Southern sandshell	T	--
Tapered pigtoe	T	--
-- indicates the species or critical habitat does not occur in the project area		