



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

October 21, 2019

To: Field Supervisor, Vero Beach Ecological Services Field Office, Vero Beach, FL

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

Subject: Informal Consultation, Notification of No Effect Determination for Long-Term Nesting Beach Habitat Protection for Sea Turtles Project in Florida

Overview

This project is being evaluated as a potential restoration project to restore natural resources in Florida that were injured as a result of the *Deepwater Horizon (DWH)* oil spill. We have reviewed this project in accordance with Section 7 of the ESA. We have made a No Effect determination for this project and are providing this memo as a notification. A brief description of the project is provided below and additional project detail can be found in the biological evaluation (BE) form included with this letter.

Project Description

The proposed project is a land acquisition project within the acquisition boundary of the Archie Carr National Wildlife Refuge (ACNWR) to benefit nesting sea turtles. The goal of the project is to protect high-density nesting beach habitat within the acquisition boundary of the ACNWR and enhance sea turtle hatchling productivity and survival. Strategic protection of priority parcels by working with willing sellers would help minimize fragmentation, reduce risk of additional coastal armoring (e.g. rip rap, rock walls, sheet metal pilings) and contribute to overall sea turtle protection, conservation and management objectives. Approximately 47 parcels (~54 acres) have been identified for protection. Of these 47, there are 17 high priority parcels that meet the goals of this project. The Trustees would work with multiple partners to implement the project. It is anticipated that additional funding sources would be leveraged to meet overall ACNWR protection goals.

Acquisition of priority parcels would be pursued through either fee-simple acquisition or less-than-fee easement acquisition from willing sellers. Conservation of this valuable habitat would reduce anthropogenic disturbances, lessen future threats, and support sea turtle hatchling

survival. The project would target green and loggerhead sea turtles but would benefit an abundance of coastal resources. Years one through three activities would focus on property acquisition including property appraisals, due diligence tasks, and negotiations with willing sellers. It is anticipated that land acquisition would occur as funding and properties become available throughout the project timeline of three years. The final number of properties acquired would be dependent upon individual parcel pricing. This project would be fully implemented and has an estimated project duration of three years. The estimated project cost is up to \$7,000,000.

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 Open Ocean Trustee Implementation Group (TIG) includes four federal trustee agencies: 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 Open Ocean TIG has evaluated this project as a potential restoration project under the Open Ocean Trustee Implementation Group Draft Restoration Plan II/Environmental Assessment (Draft RP I/EA), which was closed to public comment on July 15, 2019. The federal trustees work together on restoration plans and will coordinate with appropriate state trustees when proposed projects overlap their jurisdictions. This will include water column and ocean bottom fish and invertebrates, sea turtles, birds, marine mammals, sturgeon, and deep-sea coral reefs.

We reviewed the restoration project activities for compliance with Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.S 1531 et seq.). We have made a No Effect determination for any listed species within the potential project action area. We have summarized our analysis in the attached BE form.

Within the BE form, we have also reviewed the proposed projects for impacts to bald eagles in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and we determined take would be avoided.

If you have questions or concerns regarding this request, please contact Erin Chandler, Fish and Wildlife Biologist, at 470-361-3153 or erin_chandler@fws.gov.

Attachments (1)

- BE form including project map

Table 1. Summary of ESA determinations for proposed project in coastal Florida.

ESA Species and/or Critical Habitat	Determinations
Piping Plover	No Effect
Piping Plover CH	No Effect
Loggerhead Sea Turtle	No Effect
Green Sea Turtle	No Effect
Green Sea Turtle CH	No Effect
Leatherback Sea Turtle	No Effect
Leatherback Sea Turtle CH	No Effect
Kemp's Ridley	No Effect
Hawksbill Sea Turtle	No Effect
Hawksbill Sea Turtle CH	No Effect
Gopher Tortoise	No Effect
Atlantic Salt Marsh Snake	No Effect
Eastern Indigo Snake	No Effect
American Crocodile	No Effect
American Crocodile CH	No Effect
American Alligator	No Effect
Wood Stork	No Effect
Southeastern Beach Mouse	No Effect
Florida Scrub-jay	No Effect