



United States Department of the Interior



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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, Panama City Ecological Services Field Office, Panama City, FL

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

Subject: Notification of No Effect Determination for “Reducing Juvenile Sea Turtle Bycatch in the Southeast Otter Trawl Shrimp Fishery Through Development of Reduced Bar Spacing in TEDs” 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 for the West Indian manatee, as all project activities and effects were previously considered under an existing ESA Biological Opinion. We 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

This project is research-oriented and consists of three major activities: 1) collection, holding, and rearing of loggerhead sea turtle hatchlings; 2) field testing of new turtle-excluder device (TED) prototypes; and 3) proof-of-concept testing of TEDs aboard twin-rigged research vessels. Loggerhead sea turtle hatchlings will be collected from nesting beaches on the East Coast of Florida. They will be reared in the NMFS laboratory in Galveston, Texas in Galveston County. Initial field testing and proof of concept testing will take place in Panama City, FL off Shell Island, in Bay County. Field testing off Shell Island will occur in water up to 30 ft deep, in areas where manatees are not likely, but could be present. All project activities and potential effects have been considered under an existing Section 7 consultation (see attached BE form for a list of existing permits and consultations held for this work).

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 (USDO I), 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 with additional project information